

## Switching off work availability and work related activities

In some circumstances a claimant's work-related requirements may need to be switched off for a period of time. This can be a legal requirement – where their circumstances are recognised as requiring a specific easement (for example victims of domestic violence), or more discretionary where it is unreasonable to expect the claimant to complete their requirements for a period of time (for example a sudden illness and necessary care for child).

Within the Claimant Commitment it is possible to:

- [compulsory switch off requirements](#)
- [switch off for periods of sickness](#)
- [discretionary switch off requirements](#)
- [switch off requirements due to temporary unavailability](#)

### Compulsory switch off

There are times where the claimant's circumstances are such that work search and availability requirements must be switched off for a period of time. These include:

- claimants in the first 14 days of a period of sickness evidenced by self-certification and/or a Statement of Fitness for Work (for 2 separate periods of up to 14 days in one year)
- [claimants receiving or accompanying their child for medical treatment outside of Great Britain](#)
- claimants attending court or a tribunal as a party to any court proceedings or as a witness
- when the claimant is a [prisoner](#)
- claimants suffering [bereavement](#) following the death of partner, child or qualifying young person
- claimants receiving treatment for [Drug and Alcohol Dependency](#)
- claimants who have recently been a victim of [Domestic Violence](#)
- claimants who are main carers of a [Child in Considerable Distress](#)
- claimants whom arrangements have been made for under section 82 of the Serious Organised Crime and Police Act 2005 for a period of up to 3 months (witness protection)
- claimants accepted as being engaged in an approved [public duty](#), where necessary

### Drug and Alcohol Dependency

It is the Department's policy to support claimants with drug and / or alcohol dependency to engage with [structured treatment](#) and recovery services as part of an active route way into work.

Whilst people are in structured treatment it is the role of drug and alcohol treatment providers to provide a range of medical or psychological interventions, dependent on the needs of the individual.

As part of the care planning process that takes place in treatment, people will be encouraged to address the range of needs that are related to their substance misuse and agree goals, including those related to education and employment.

Work availability and work search requirements can be switched off for up to 6 months from the start date of treatment to enable the claimant to recover. 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.

During the period for which requirements are switched off, claimants are still required to participate in Work Focused Interviews. They may also be required to undertake Work Preparation activity. These have to be arranged in consultation with the treatment provider to allow the claimant to participate.

The claimant's requirements will be switched back on if they do not remain in treatment. Work availability and work search requirements will be switched back on 6 months from the start date of treatment.

## **Evidence**

Work availability and search requirements under this provision can only be switched off following validated written evidence from the treatment provider.

## **Structured treatment**

This is treatment in the community, with attendance at regular sessions, undertaken as part of a care plan; prescribing, structured day programmes and structured psychosocial interventions (counselling, therapy etc) provided by Public Health England (PHE) or the relevant body in Scotland and Wales.

## **Domestic Violence**

When a claimant is or has been a victim of [Domestic violence](#) all work related requirements must be temporarily switched off for three months providing the:

- incident of domestic violence and abuse occurred within the previous 6 months
- incident meets the definition of [Domestic violence](#)
- claimant is not living at the same address as the abuser
- claimant has not had requirements switched off as a result of previous domestic violence within the last 12 months
- claimant provides written [evidence](#) within one month of the date they discussed the matter

The 3 months switch off period starts on the date the claimant discussed the matter. The switch off is extended to 6 months if the claimant is the main carer of a child.

If the claimant is not eligible to have their work-related requirements switched off because of domestic violence or abuse, they may be eligible to have their requirements switched off for a maximum of four one month, periods because their [child is in distress](#).

If, after the switch off period has expired, the claimant finds themselves in a position where they require a further easement from work search and availability requirements for reasons directly or indirectly related to their experience of domestic violence then this should be considered.

If necessary this may be treated as a temporary circumstance in which work search and availability requirements can be temporarily switched off for a further short period to allow the claimant to deal with the immediate situation arising.

If the claimant has provided the relevant evidence for domestic violence and / or abuse and is responsible for a child, children or [qualifying young person\(s\)](#), the switch off period is extended to a total of 26 weeks from the date they attend the Work Focused Interview. The claimant can attend voluntary Work Focused Interviews after the first 3 months of the switch off period.

## **Evidence**

The claimant must provide written evidence from a [person acting in an official capacity](#) showing that:

- the claimant's circumstances are consistent with those of a person who has had domestic violence and abuse inflicted upon them, or threatened, during the 6 months prior to the claimant notifying Universal Credit
- the claimant has made contact with the person acting in an official capacity in relation to such an incident, which occurred during that period

A person 'acting in an official capacity' means:

- a health care professional
- a police officer
- a registered social worker
- the claimant's employer or a representative of their trade union
- any public, voluntary or charitable body which has had direct contact with the claimant in connection with domestic violence and abuse

## Temporary absence for medical treatment

Work search and availability requirements must be switched off for a period not exceeding six months if:

- a claimant is temporarily absent from Great Britain for medical treatment or convalescence
- the claimant is accompanying their partner, child or [qualifying young person\(s\)](#) for whom they are responsible, for medical treatment or convalescence

Other work-related requirements can be switched off if this is reasonable. If a claimant has a terminal illness, see [Terminal illness](#).

## Prisoners

All work related requirements must be switched off for the period the claimant is in prison. See [Prisoners](#)

## Bereavement

All work related requirements must be switched off following the death of:

- the claimant's partner
- a child, where the claimant was the child's parent
- a child or [qualifying young person\(s\)](#) for whom the claimant, or where the claimant is a couple, the other member has caring responsibilities

The switch off of requirements is for six months. At the three month stage, the claimant should be contacted by telephone to check whether or not they want any support. If they don't, we leave them until the end of the switch off period. If they do, we invite them in for a work focused interview (WFI) to discuss, but all requirements are voluntary including attending the WFI.

If the claimant's [child is in considerable distress](#) the claimant may be eligible to have their requirements switched off for a further 3 one month periods.

It is optional for a claimant suffering bereavement to look for work following the death of a partner or child but [Sanctions](#) can only apply after 6 months where relevant.

## Carrying out a public duty

Work search and work availability requirements may be switched off for any period during which a claimant is engaged in public duties as a:

- juror
- volunteer fire fighter
- lifeboat crew member
- volunteer coastguard
- councillor

- United Kingdom Reserve Forces (including army reserves, Royal Navy and Royal Marines reserves, Royal Auxiliary Air Force and Special Forces (reserves))

Work search and availability requirements may need to be switched off if these would be unreasonable based on the public duties the claimant is engaged in. Other work related activities can only be switched off where the claimant is undertaking activities specific to the particular public duty and doing so stops them doing what has been accepted on the Claimant Commitment.

### **Switching off for periods of sickness**

For short periods of sickness, claimants must have work availability or work search requirements switched off, if they declare that they are unfit for work.

These circumstances apply:

- for up to the first 14 days of a period of sickness – see [evidence](#) requirements below
- when it is the first or second episode of sickness in a rolling 12 month period in receipt of Universal Credit

If the claimant is reporting a third episode of sickness in a rolling 12 month period or the sickness continues beyond 14 days, work search and availability requirements can be applied if this is considered reasonable based on the claimant's health condition.

The claimant can have work focused interview and / or work preparation requirements applied at any time.

Any work-related requirements will be tailored to reflect the claimant's capabilities. A claimant will not be required to take up a new job while they have a current fit note. For more information, see [Health conditions and disabilities](#).

### **Evidence**

Claimants can declare themselves to be unfit for work for up to the first 7 days through self-certification. From day 8 the claimant is required to provide a Statement of Fitness for Work (SoFFW), a 'fit note'.

### **Discretion to switch off or lift**

Requirements imposed on claimants must be reasonable given the claimant's capability and circumstances. There is discretion available to not impose requirements on claimants. These claimants will be subject to a temporary circumstance, such that it would be unreasonable to require them to comply with even limited work availability and / or work search requirements.

The work search and availability requirements can be lifted if the claimant has:

- has temporary child care responsibilities
- a domestic emergency
- funeral arrangements to make
- other temporary circumstances

There is discretion to switch off work search/availability requirements for a period of time. Examples of temporary, discretionary lifting of the work search and / or availability requirement include instances where a claimant:

- is undertaking an agreed work preparation requirement or voluntary work preparation requirement, and it would be unreasonable to impose work search/availability requirements (this is likely to apply in exceptional circumstances only)
- has an emergency or temporary responsibilities and it would be unreasonable to expect the claimant to comply with the requirements for a short, temporary period of time

In the case of a temporary circumstance, it covers where a claimant suffers a change of circumstances that is generally unexpected, and means the claimant cannot reasonably be expected to meet even limited work search and availability requirements.

Work search and availability requirements should not be imposed for as long as considered essential in order for the claimant to deal with what has happened.

There is no maximum time limit for temporarily switching off requirements but one month is used as a guide-line.

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