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## **Switching off work availability and work related activities**

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### **Introduction**

In some circumstances, a claimant's work-related requirements may need to be switched off for a period. This can be:

- a legal requirement, where their circumstances are recognised as requiring a specific easement (for example victims of domestic violence or abuse)
- [discretionary](#) where it is unreasonable to expect the claimant to complete their requirements for a period (for example a sudden illness and necessary care for a child, homelessness).

In each case there must be a specific review of what the claimant has accepted in their claimant Commitment to determine whether it is appropriate to switch off all requirements, or tailor the claimant Commitment to meet the claimant's current circumstances. The claimant Commitment must be reviewed again when the work-related requirements are restarted.

Unless there is another reason for doing so, the claimant remains in the same Labour Market regime during the period any work-related requirements have been switched off.

### **Compulsory switch off**

There are times where the claimant's circumstances mean that work search and availability requirements must be switched off for a period. 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 or abuse](#)
- claimants who are main carers of a Child in Considerable Distress
- claimants whom arrangements have been made for under section 82 of the Serious Organized 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 relate 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 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 must 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**

Under this provision switch off, of work availability and search requirements only occurs 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. The care plan prescribing, structured day programmes and structured psychosocial interventions (counselling and therapy) provided by Public Health England (PHE) or the relevant body in Scotland and Wales.

## **Domestic Violence or abuse**

All work related requirements must be, temporarily switched off for three months, when a claimant is or has been a victim of Domestic violence or abuse providing the:

- incident of domestic violence and abuse occurred within the previous 6 months
- incident meets the definition of Domestic violence or abuse
- 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 or abuse within the last 12 months
- claimant provides written [evidence](#) within one month of the date they discussed the matter

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 the claimant discussed the matter. The claimant can attend voluntary work focused interviews after the first 3 months of the switch off period.

There is a further easement that should be applied where the claimant is the lead carer of a child in considerable distress due to domestic violence or abuse (as long as the claimant is not the offender). This easement can be applied for one month during each 6 month period in the first 2 years of the event. If they have already accessed the 6 month domestic violence or abuse easement this will cover the first month of the child in distress easement and a further 3 easements of 1 month can be considered in the next 18 months with further tailoring as required.

If, after the switch off period has expired, the claimant is 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 or abuse then **discretion to switch off** 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 remains in the same household as the person who inflicted or threatened the domestic violence or abuse they are not eligible for the domestic violence or abuse easement. In this circumstance, if the claimant has provided relevant evidence of the domestic violence or abuse the Domestic Emergency easement can be used where it is appropriate to switch off all requirements for a period of time.

### **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 or young people, 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**

Switch off All work related requirements for the period the claimant is in prison.  
See Prisoners

## **Bereavement**

Switch off all work related requirements for six months 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

At three-months, a telephone call to the claimant should be made, to check if they want any support or not. If they do not, we leave them until the end of the switch off period. If they do, invite them in for a work focused interview (WFI), 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
- councilor
- United Kingdom Reserve Forces (including army reserves, Royal Navy and Royal Marines reserves, Royal Auxiliary Air Force and Special Forces (reserves))
- core participant in a Public Inquiry (see below)

The Government may commission an Inquiry into a tragedy or event such as the Independent Inquiry into Child Sexual Abuse and similar Inquiries into the Grenfell Tower and Hillsborough tragedies.

Claimants who have been a victim, survivor or witness of such tragedies may be asked to participate in such investigations and are designated as core participants in the Inquiry.

Ministers have agreed that the activity of core participants in a Public Inquiry is a public duty and as such, work search and work availability requirements must be switched off for the period they are participating in the inquiry.

## **Evidence**

The enquiry will provide evidence of participation and it is the claimant's responsibility to share this information.

This will be a personalised letter headed document, and as far as it is possible, it will indicate the peak periods of activity of each claimant. Participation either side of the hearing is likely to be more intense.

On receipt of this evidence document, discretion can be used to assess how long the easement is applied for.

In some circumstances, the claimant could be a victim and supporting the inquiry may result, in them being, traumatised and distressed. They may need an easement for a longer period than a person who is just giving evidence or attending occasional hearings. Due to the sensitivities of participating in the inquiry, do not ask the claimant to recount the trauma, they have been subject to or to justify the current impact upon their psychological and physical well-being. The events will have been traumatising, but it will be additionally distressing due to their ongoing involvement in the investigations focusing on the same life events.

Focus should be on the discussion around the amount of time that the claimant will be involved in the inquiry, so that appropriate easements can be applied without causing further distress.

Details of the claimant's participation in the inquiry and easements applied, will be recorded on the Universal Credit Full service in claimant profile. Refer to the Spotlight on using the claimant profile to record complex needs.

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

For short periods of sickness, claimants must have their work availability and work search requirements switched off, when they first declare that they are unfit for work and the following circumstances apply:

- for up to the first 14 days of a period of sickness, refer to the 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 or subsequent 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. There is no automatic switch off after 14 days.

A claimant is not required to be immediately available to take up a new job while they have a valid fit note. The claimant can have work focused interview and / or work preparation requirements applied at any time. Refer to the section '[Discretion to switch off](#)' for guidance on applying these requirements.

Any work-related requirements will be tailored to reflect the claimant's capabilities. For more information, refer to Health conditions and disabilities - day 1 to day 29 and Easement of Labour Market regime interventions.

## **Evidence**

Claimants can declare themselves 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**

Requirements imposed on claimants must be reasonable given the claimant's capability and circumstances. Work search and availability requirements can be switched off if the claimant 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, for example:

- temporary child care responsibilities
- a domestic emergency, such as:
  - when a claimant becomes homeless or is at risk of homelessness
  - when a claimant has suffered domestic violence or abuse but is still living with the abuser
- funeral arrangements to make
- 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 only in exceptional circumstances)
- other temporary circumstances

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. The decision to switch off requirements should be reviewed regularly to determine if the decision is still appropriate.

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



