

## Waiting days

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For **NI Staff only** please use the **UCNI Guidance at**

<http://nics.intranet.nigov.net/communities/documents/uc-waiting-days>

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**Important information- Universal Credit claims made on or after 14 February 2018 will no longer have waiting days applied. If these claims are backdated waiting days are still not applied.**

**Waiting Days may still apply to claims made before 14 February 2018 if they do not fall into one of the waiting day's exceptions.**

### Waiting Days

Waiting days in Universal Credit are days of non-entitlement. When waiting days apply they will start from the date of the claim for seven days. Entitlement begins at the start of the assessment period which follows the seven waiting days. The aim of waiting days is:

- to discourage people from claiming benefit when they only have a short gap between jobs
- have a short period of sickness

This is because benefits are not intended to provide cover for people moving between jobs or brief spells of sickness.

If claimants have no job to go to, introducing waiting days encourages them to claim more quickly so they don't lose out on their entitlement, and to access the available labour market support at the earliest opportunity.

## **When to apply waiting days**

Single claimants who are in the Intensive Work Search regime or Light Touch regime on the first day of their claim are subject to seven waiting days at the start of their Universal Credit claim. This also applies to couples where one or both members are in Intensive Work Search or Light touch regime.

### **Example:**

A single claimant in the Intensive Work Search regime makes a new claim for Universal Credit on 01/05/2015. Waiting days are applied 01/05/2015 to 07/05/2015. The claimant is not entitled to payment of Universal Credit for these waiting days.

The first assessment period of one month starts from the first day of entitlement – this is the eighth day of the claim.

In this example, the date of claim is 01/05/2015 and the assessment period will start on 08/05/2015 and run for a calendar month until 07/06/2015.

There are exceptions when waiting days do not apply. See [Exceptions](#).

## **Entitlement**

During the seven waiting days, there is no entitlement to Universal Credit or passported benefits, but the claimant can be sanctioned for any action not taken during this period. The claimant can still access Universal Credit Advances, Personal Budgeting Support and labour market provision.

## **Conditionality**

The claimant must meet conditionality requirements from their date of claim. This includes accepting their commitments and completing all the actions associated with making their claim. During the seven waiting days, they can be asked to complete any work-related requirements relevant to their regime. They can also receive reduced payments (sanctions) if these are not completed without good reason.

## **Exceptions**

In some circumstances seven waiting days will not be applied to the claim. Claimants are exempt from the waiting days if one or more of the following apply. If they:

- have stopped getting Universal Credit because of a change of circumstances but reclaim within six months
- are ill and are not expected to live for more than six months
- are a care leaver (see care leavers below)
- are aged between 16 and 17 with no parental support
- have left prison in the last month
- have been a victim of domestic violence within the last six months
- were in receipt of new style Jobseekers Allowance (JSA), new style Employment and Support Allowance (ESA), in the last three months
- were in receipt of Working Tax Credits, Child Tax Credits or Housing Benefit (HB) in the last month and are now claiming Universal Credit
- have left an existing benefit (Income Support (IS) or old style ESA or old style JSA) for a paid job and become entitled to Universal Credit within three months (this will help encourage claimants to leave benefit for short-term work experience as they will not be penalised if they return)

Because of a change of circumstances, claimants in receipt of IS, old style ESA, old style JSA, Tax Credits or HB may have to stop claiming or be unable to renew their current benefit. If they make a claim for Universal Credit instead, they will not serve the seven waiting day period because their existing benefit entitlement has ended within one calendar month of making the Universal Credit claim.

## **Care leavers**

To be exempt from waiting days, care leavers must satisfy all of the following:

- have left care at any time since turning 16
- be under the age of 22
- be making a claim to Universal Credit for the first time

Care leavers and ex-care leavers who make their first claim to Universal Credit before the age of 22 are exempt from serving waiting days. Any subsequent Universal Credit claims from a care leaver or ex care leaver would not count as an exemption from serving waiting days.

## **Evidence**

The evidence for some exception reasons can be verified using CIS and Legacy systems. Where this is not possible, the claimant will need to provide acceptable evidence to verify the exception.

Evidence to verify an exception from waiting days must be provided by the claimant as follows:

<b>Claimant circumstances</b>	<b>Evidence required</b>
The claimant is a care leaver	See guidance on Care leavers
The claimant left prison in the last month	Prison discharge documents
The claimant has been threatened, abused or attacked by a member of their family or their partner within the last six months	See guidance on Domestic violence
The claimant was entitled to HB (where no previous legacy benefit is held on the Customer Information System (CIS) this cannot be verified on CIS)	Award notification or letter showing proof of HB entitlement within the month immediately prior to UC date of claim
The claimant was entitled to Jobseeker's Allowance JSA(IB) Employment and Support Allowance ESA(IR) or Income Support but they stopped claiming in the last three months because they started paid work	<p>No evidence required from the claimant as this evidence is either applied automatically from CIS or recorded on a to-do when verified manually from local authority (LA). In tax credit only cases agents may have to check CIS.</p> <p>If the CIS enquiry returned no benefits and the claimant disputed this, then the claimant would have to prove that CIS is wrong and could be advised to provide P45 or letter from an employer confirming employment within the three months prior to the date of final declaration for Universal Credit.</p>

When a claimant states that they have a waiting days exception, evidence must be provided within one calendar month of being asked to produce this evidence.

## **Re-claims**

A claimant who previously received Universal Credit will not be required to serve the seven waiting day period if they reclaim Universal Credit because:

- their earnings drop
- they have a change of circumstances that means they are now entitled to Universal Credit
- their job ends and they become unemployed

See Re-claims.

## **Backdating**

If a claimant requests for their claim to be backdated and it is agreed by a decision maker, the waiting days will be applied from the beginning of the backdated period.

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