

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

What is switched off?

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### **What is switched off**

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

1. compulsory easements where there is a legal requirement, circumstances with specific switching off requirements
2. discretionary easements, where it is unreasonable to expect the claimant to complete their requirements for a period

Unless there is another reason for doing so, the claimant stays in the same Labour Market regime while any work-related requirements are switched off.

In each case what the claimant has accepted in their claimant commitment is reviewed 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 when the work-related requirements are restarted.

### **Compulsory switch off of requirements, easements**

Work search and availability requirements must be switched off for the period the claimant is:

- in the first 14 days of a health condition or disability evidenced by self-certification and/or medical evidence, for the first 2 periods in one year
- Treated as Limited capability for work or Treated as Limited Capability for work and work-related activities, or terminally ill
- receiving or accompanying their child for medical treatment abroad
- suffering bereavement following the death of partner, child or qualifying young person
- receiving treatment for Drug and Alcohol Dependency
- a victim of Domestic Violence or abuse

- the main carers of a child in considerable distress
- in witness protection – arrangements have been made for them under [section 82 of the Serious Organised Crime and Police Act 2005](#) for a period of up to 3-months
- attending court or a tribunal as a party to any court proceedings or as a witness
- accepted as being engaged in an approved public duty, where necessary
- a prisoner

### **Switching off for a health condition or disability**

For short periods of ill health or disability, claimants have their work availability and work search requirements switched off, when they first declare that they are unfit for work for:

- up to the first 14 days of a period of sickness, refer to health conditions and disabilities day 1 to day 29, the first 14 days
- the first two periods that the claimant reports they are unfit for work in a rolling 12-month period in receipt of Universal Credit

If the claimant reports three or more periods of sickness in a rolling 12-month period or the sickness continues beyond 14 days, work focused interview, work preparation and work search requirements can be applied, if this it is considered reasonable to do so based on the claimant's health condition or disability. There is no automatic switch off after 14 days.

A claimant is not required to be immediately available to take up work while they have a valid fit note. The claimant can have a work-focused interview and / or work preparation requirements applied at any time. Refer to 'Discretion to switch off'. 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 Switch off tailoring table.

### **Receiving or accompanying a child for medical treatment abroad**

Work search and availability requirements are 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.

## **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 3-months, a telephone call to the claimant is made, to check if they want any support or not. If they do not, they are left until the end of the switch off period. If they do want support, invite them to a work focused interview (WFI) - At this point all requirements are voluntary including attending the WFI, until the end of the 6-month period.

If the claimant's child is in considerable distress, the claimant may be eligible to have their requirements switched off for a further 3 periods of one-month.

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

## **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.

Under this provision switch off, of work availability and search requirements only occurs following validated written evidence from the treatment provider.

Work availability and work search requirements will 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 period in any rolling 12-month period, calculated from the last day of any previous drug or alcohol related switch off.

Claimants are still required to participate in Work Focused Interviews while requirements are switched off. They may also be required to undertake Work Preparation activity. These requirements are arranged in consultation with the treatment provider to allow the claimant to participate.

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

## **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.

As part of the care planning process during treatment, people are encouraged to address the needs that relate to their substance misuse and agree goals, including those related to education and employment.

## **Domestic Violence or abuse**

All work related requirements must be, temporarily switched off for 13 weeks if the 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 provides the relevant evidence and is responsible for a child, children or qualifying young person(s), the switch off period is extended to 26 weeks from the date the claimant discussed the matter.

Claimant can attend voluntary work focused interviews after the first 13 weeks of the switch off period. Those in the Intensive Work Search and Light Touch regimes are offered voluntary WFIs after the first 13 weeks, if they have children and are eligible for the 26 week switching off.

Further switching off requirement, easements, must be applied if 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 switching off requirement, easements, can be applied for one-month in each 6-month period, in the first 2 years of the event. If they have already accessed the 6-month Domestic violence and/or abuse switching off requirement, easements, this will cover the first month of the child in distress switching off requirement, easements. A further three switching off requirement, 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 requires further switching off requirement, easements, for reasons directly or indirectly related to their

experience of domestic violence or abuse then discretion to switch off must 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 allowing the claimant to deal with the immediate situation.

If the claimant remains in the same household as the person who inflicted or threatened the domestic violence and/or abuse, they are not eligible for the domestic violence or abuse switching off (easements). In this circumstance, if the claimant has provided the relevant evidence of the domestic violence or abuse, the Domestic Emergency switching off requirements, easement can be used where it is appropriate to switch off all requirements for a 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 a person who has had domestic violence and abuse inflicted upon them, or which has been threatened, in the 6 months before the claimant notified Universal Credit
- the claimant has made contact with the person acting in an official capacity in relation to the event, which occurred during that period

### **A person 'acting in an official capacity' means a:**

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

### **Carrying out a public duty**

Work search and work availability requirements can 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))
- core participant in a Public Inquiry

## **Public Inquiry**

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

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

Ministers have agreed core participant's activity in a Public Inquiry is a public duty. Work search and work availability requirements are switched off for the period the claimant participates in the inquiry.

## **Evidence**

The enquiry will provide evidence of participation and the claimant is responsible for sharing this information.

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

On receipt of the evidence, discretion is used to assess how long to switch off the requirement, easements, for.

In some circumstances, the claimant could be a victim and supporting the inquiry, which may result, in them being traumatised and distressed. They may need requirements switching off (easements), for a longer period than a person who is just giving evidence or attending occasional hearings.

Do not ask the claimant to recount the trauma, they were subject to or justify the current impact upon their psychological and physical well-being. Doing so will cause additional distress due to their ongoing involvement in the investigations focusing on the same life events.

Focus on the discussion around the amount of time the claimant will be involved in the inquiry, so appropriate switching off requirement, easements, can be applied.

Details of the claimant's participation in the inquiry and switching off requirement, easements, applied, are recorded on the Universal Credit Full service in claimant history. Refer to the Spotlight on using the claimant history to record complex needs.

## **Discretion to switch off of requirements, easements**

Work search and availability requirements must be reasonable and can be switched off for a short, temporary period if the claimant has an emergency or temporary circumstance making it unreasonable for the claimant to comply with the requirements.

Circumstances, which might result in a discretionary switch off requirements, are not defined in legislation allowing a flexible and appropriate response on a case by case basis. Circumstances may include:

1. temporary child care responsibilities including, the usual carer being unavailable; paternity leave or a legal order to provide care for a child
2. a domestic emergency, including:
  - a. a claimant becoming homeless or at risk of homelessness
  - b. a claimant having suffered domestic violence or abuse but is still living with the abuser
3. a claimant with funeral arrangements to make
4. a claimant undertaking an agreed or voluntary work preparation requirement, where it would be unreasonable to impose work search/availability requirements (this is likely to apply only in exceptional circumstances)
5. other temporary circumstances

Work search and availability requirements are only switched off for as long as is considered essential for the claimant to deal with what has happened.

The decision to switch off requirements must be reviewed regularly to determine if it is still appropriate or that the claimant is taking steps to resolve the issue.

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