

Availability for work

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Introduction

Claimants in the Intensive Work Search regime are required to look for and be immediately available for any work:

- regardless of the type and salary as long as the salary is at or above National Minimum Wage
- on a full time basis
- within 90 minutes of their home, by their normal method of transport

In certain circumstances claimants can place limitations on their work availability.

They can limit their availability based on:

- [availability limitation - type of work and salary](#)
- [availability limitation – full-time](#)
- [availability limitation - travel to work time](#)

The claimant must produce whatever evidence is necessary in order to support a request to limit work availability.

If a claimant's availability to work is limited, the number of hours they are required to search for work will be limited accordingly. See [Limitations on work search activity](#).

Availability Limitation - type of work and salary – Permitted Period

Limitations can be placed on the type of work and the salary where the claimant has a strong work history in a specific occupation.

This limitation can apply for whichever of the following is the longer period:

- a maximum of three months from the date Universal Credit was claimed
- three months from the date they ceased work which paid above the Conditionality Earnings Threshold and moved into the Intensive Work Search regime

This period is known as a 'permitted period'.

The claimant must show that they have reasonable prospects of getting a job that fits within this limitation before the permitted period is agreed. After this period, they will be required to look for any work that they can do at or above the national minimum / living wage.

The 3 month period would continue to run until its conclusion and so the claimant would get the benefit of it during any period out of work. The permitted period would not start and stop during the period a claimant was in work. Only one permitted period is allowable in any claim period.

If a claimant moves into work and into the Working Enough regime, due to earnings, and their earnings subsequently drop and they move back into the Intensive Work Search regime, they are not considered for another permitted period if they had one earlier in their claim.

Availability Limitation – full-time

A claimant can limit their work availability if they:

- have a health condition
- have caring responsibilities - either for a disabled person or young children

Availability for claimants with a health condition

If a claimant has a physical or mental impairment (including those with cognitive or learning difficulties) the requirement will be limited to what is reasonable in light of the impairment. As well as limiting the number of hours, the claimant may also limit the type and location of work they are available for. They will not have to show they have reasonable prospects of finding work, but the following factors must be considered when agreeing a limitation:

- the nature of the health condition or disability and how this may affect what it is reasonable to expect the claimant to do
- the likely duration of the health condition and / or if it is likely to be long term
- If the claimant has an employer and that employer is supplying occupational therapy or other provision to help the claimant get back to work

Availability for claimants with caring responsibilities

If a claimant has caring responsibilities for a person who has a physical or mental condition which necessitates such care (but does not meet the carers test, because the person being cared for is not a severely disabled person or the care is not for 35 hours or more per week) the claimant's work availability hours will be compatible with their caring responsibilities. Claimants will need to show that they have reasonable prospects of finding work given this restriction.

If a claimant has caring responsibilities for a child, they will generally need to show that they have reasonable prospects of finding work given any restriction to their availability. This is apart from the main carer (responsible carer) of a child under 13, who is able to restrict their availability to their child's normal school hours, without showing they have reasonable prospects of finding work, given this restriction. Travel time to and from school to collect children should be considered for any restriction.

Reasonable prospects of finding work

In establishing if a claimant has reasonable prospects of finding paid work, the following will be considered:

- the limitations do not prevent the claimant from taking up any job
- it takes into account the jobs available in the local labour market and ensures that the claimant is not restricting the hours they are available to such an extent that no jobs would be available to the claimant

Availability limitation and work search

Any agreed restriction on hours of availability will determine the claimants 'expected hours' of work search.

Other restrictions on availability

Pattern of availability

Where the claimant is expected to be available for full-time work, a pattern of availability may be agreed with the claimant. Any agreed pattern of availability will determine the claimants' work search requirements, as long as the claimant has reasonable prospects of finding work that fits with their availability.

Type of job

Where the claimant has sincerely held beliefs, for example vegan, vegetarian or religious beliefs and want to limit the type of work they are available for, they need to show that they have reasonable prospects of finding work given this restriction.

Availability Limitation - Travel to work time

Claimants must normally be willing to travel 90 minutes each way to work, by a route and means of transport appropriate to their circumstances, for example by:

- car
- public transport
- walking
- cycling

Claimants with significant factors which have an adverse effect on their ability to obtain and travel to work, such as a health condition or caring responsibility, should have their travel to work time or area limited to take account of this.

General tailoring, and reasonableness and work search

Regardless of the number of hours the claimant is expected to be available for, work search requirements should always be tailored to the individual claimant. The work search activities expected of claimants need to take account of their capability, regardless of whether the claimant is expected to look for full-time work or has restrictions. Not all claimants will be able to undertake the same amount of activity during the same period of time. Work coaches will need to judge what is reasonable to expect of the claimant, based on their knowledge of

the claimant and their capability.

Some claimants have sincerely held religious beliefs that may affect their availability.

This is recognised for claimants of all faiths, and their availability for work and interviews, including WFIs will be adjusted to allow for religious occasions/days to be observed.

This can be for general availability, for example repeated religious days like Saturday or Sunday, or for specific one-off festival occasions – where availability can be varied for that week, or interviews for that day can be rearranged.

Wherever possible claimants should give advance notice and be aware that whilst the pattern may be altered, overall expectations for availability and work related activities remain the same.

Availability to attend a job interview or start work

Claimants who are required to be available for work need to be as ready and flexible as possible to attend interviews and to start work. If the claimant has commitments then they should consider how these may need to be rearranged so they can take up interviews / start work.

Additional time is acceptable in the following situations

A volunteer	Volunteers are given up to 48 hours to attend an interview and a week to take up work
The main <u>carer</u>	Carers are allowed up to 48 hours to attend an interview and one month to take up a job provided they are willing to comply within those periods of notice
Under a contract of employment	Employees under contract will be allowed 48 hours to attend an interview and will not be required to be available until they have served their notice period
Signed off sick (have a Fit Note from the doctor)	Not required to take up a new job until their Fit Note expires but they can be required to attend a job interview
Recently left prison	Not required to take up work within

	the first seven days of release
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In order for a claimant to meet their requirements, they will have to demonstrate, through their behaviours and actions; they are both willing and able to take up work within the required time.

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