

# Child in considerable distress

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## Introduction

Work-related requirements may be temporarily switched off when a main carer is dealing with a child in considerable distress, for example - if the distress is causing significant disruption to the family and the claimant's ability to undertake work-related activities. Alternatively, tailoring the claimant's commitments instead of switching off requirements may be appropriate.

There are circumstances where a child is likely to be in considerable distress and where it would be reasonable to allow the current main carer of the child to have their work-related requirements switched off. This would be the case if there is significant disruption to the claimant's normal childcare responsibilities and there is a need to provide additional care and support because the child is:

- coping with the death of a parent, sibling, previous responsible carer of a child or a person living in the same household as the child (but who does not pay commercial rent such as a grandparent)
- experiencing or witnessing domestic violence and abuse (where a police report may be available)
- experiencing or witnessing violence and abuse other than domestic violence

If the situation does not fall into one of the above bullet points, then either domestic emergency switch-off or tailoring should be considered. See Claimant Commitment.

Violence or abuse (other than domestic violence and abuse) may include things like:

- violence or assault that caused injury or wounding
- rape and sexual abuse
- harassment or stalking that causes fear, alarm or distress
- hate crimes

- witness to murder

These are examples, not a complete list and could include other serious traumatic events. These would generally be incidents where a police report may be available (particularly if it relates to a crime, where the child was a victim) or there may be some involvement with the National Victim Service, Victim Support (including the Witness Service run by Victim Support), social services or a healthcare professional.

Each child's reactions to these events will differ. Domestic violence and abuse can have a damaging and often long lasting effect on a child's health, development, ability to learn and well-being. It is important to consider the likely effect of the situation on the child, and particularly what this means for the claimant and their ability to look for and be available for work.

### **Identifying if work-related requirements are affected**

Once it has been identified that a situation has occurred causing a child distress consideration must be given to how this affects the claimant's work-related requirements. Consideration must also be given to whether the situation meets the criteria for using the provision to switch the claimant's requirements off when a child is in distress.

If the situation does not meet the child in distress provision, the domestic emergency or temporary childcare provisions can be considered where relevant. For example, the claimant may be unable to look for and be available for work because they are focusing on dealing with the child's distress.

The child may be experiencing:

- problems at school such as missing school and deteriorating performance
- problems at home which are causing concern, for example not eating or sleeping, unexpected or sudden withdrawal from friends or family, changes in communication
- health related changes or habits which may indicate stress, for example bedwetting
- a loss of confidence and 'clingy' or deteriorating behaviour
- a loss of interest in activities they previously enjoyed
- getting into trouble with the police
- self-harming
- running away
- general sadness or distress requiring a need for the parent's emotional availability

This is not a check list. They are examples of situations which may indicate that a child is in distress which could then impact on the claimant's work-related

requirements. Any impact must be considered and set out in the Claimant Commitment. See Claimant Commitment

The following examples demonstrate situations that could affect the claimant's ability to fulfil their work-related requirements:

- attending meetings with the school, social services, counselling sessions or healthcare professionals in connection with the child
- providing additional or alternative childcare responsibilities because the child was unable to attend school or after school activities (for example because of ill-health, health and safety concerns, suspension or exclusion)
- having to spend more time supporting the child and being available for them
- having to make additional childcare / support arrangements for the child
- having to re-organise life and family routines for the child, as well as themselves

These are examples, not a complete list.

### **Criteria for switching off work-related requirements**

When it has been established that a claimant has responsibility for a child in considerable distress, their related requirements may be switched off in any of the following circumstances:

- they are currently the main carer of a child
- an event or situation has occurred which could reasonably be expected to cause the child distress
- they are providing additional care and support to the child because of their distress
- their ability to look for or be available for work is affected

If a claimant has had (or was eligible to have) their work related requirements switched off for reasons other than a child being in considerable distress, these are also taken into account – for example:

- bereavement – see Death and bereavement
- domestic violence and abuse – see Domestic violence and abuse
- homelessness – see Homeless easements
- drug and alcohol treatment
- enforced separation

## **Duration of the switched off period**

If a claimant hasn't had their work-related requirements switched off for any other reason, they can be switched off for one month if they are responsible for a child in distress.

This can be applied once every six months for a total period of 2 years after the incident that triggered the child's distress (a maximum of 4 one month periods).

If the claimant has more than one child experiencing distress, the length of time and number of periods the claimant is entitled to have their requirements switched off is the same. If more than one of their children experiences distress at different times during the 6-month period, the Claimant Commitment should be tailored to reflect this. See Claimant Commitment

If a claimant's work-related requirements are switched off due to bereavement, they may be eligible for 3 further 1 month periods because their child is in considerable distress. This can be applied once every six months for a period of 18 months after the six months switch off for bereavement (a total period of two years).

If the claimant has had their work-related requirements switched off because of domestic violence and abuse (and they are the main carer for a child) the switch off period for domestic violence is extended from three months to 26 weeks. This can only be applied once every 12 months (the claimant can have the three month switch off as long as they have not had a previous domestic violence and abuse switch off within the last 12 months).

The claimant can have their requirements switched off for additional periods of one month if their child is in distress. These additional periods can be applied once every six months over the next 18 months (a two-year period in total).

If the claimant has had their work-related requirements switched off for any other reason, the one 1 month switch off period for a child in distress can be applied. It can be applied once every six months for the balance of time up to a total of two years after the incident took place.

## **Impact on the claimant's commitments**

A claimant's work-related requirements can be temporarily switched off if they meet the criteria for caring for a child in distress. However, the decision must be focused on how this specifically impacts on their ability to carry out work-related requirements (for example if they have to undertake additional caring responsibilities as a result).

During the switched off period, the claimant will not be required to:

- look for work
- be available for work
- attend work search reviews or work focused interviews

Relevant actions to be taken during the switch off period can be agreed with the claimant. These are not mandatory and no sanction should be imposed if the actions are not completed.

Because a child's distress can re-occur, a longer term plan should be discussed with the claimant. For example, determining how they would manage the situation if they were in work. In these cases, a claimant's work-related requirements can be tailored to meet their needs rather than being switched off. The claimant's commitments can be changed if the claimant shows that there is evidence that their ability to look for and be available for work is affected because they are providing on-going support to their child. See Claimant Commitment

### **Providing evidence**

If the claimant cannot provide formal evidence, their work-related requirements can still be switched off if either of the following apply:

- this is the first time the claimant has reported a child in considerable distress
- it will have an effect on the claimant's ability to look for and be available for work

If the claimant makes any further applications to have their work-related requirements switched off because of a child in distress, they must provide evidence. The evidence must show that the child's distress is having an on-going impact on the claimant's ability to fulfil their work-related requirements. The evidence does not have to detail the fact that the child is in distress.

When assessing if the evidence is suitable, the following must be considered:

- to what extent the situation is causing distress to the child
- what this means for the claimant and their ability to complete the - related requirements that were agreed in their Claimant Commitment (see Claimant Commitment)

Each case must be considered on its own facts. The child's reaction to the situation and the effect that has on the claimant's ability to look for and be available for work will be different each time.

The types of evidence to consider include:

- evidence that the claimant has attended meetings with the school, social services, healthcare professionals in connection with the child
- evidence of additional childcare responsibilities because the child was unable to attend school or after school activities (for example because of ill-health, health and safety concerns, suspension or exclusion)
- evidence of additional childcare / support arrangements (including having to re-organise family routines for the child as well as themselves)
- letters from any public, voluntary or charitable body that is supporting the child/family

This is not a complete list, but examples of suitable evidence.

The evidence can come from:

- a healthcare professional
- a police officer
- the National Victim Service
- Victim Support (including the Witness Service run by Victim Support)
- a registered social worker
- the child's school or teacher
- a faith group and / or religious leader
- 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

The claimant is responsible for gathering and providing the evidence.

Once the claimant provides the evidence, the claimant's commitments are checked again to decide if they need to be tailored further. See Claimant Commitment.

### **Sources of support**

This may be the first time the claimant has talked about this to any organisation, so they may not be getting support from anyone to help them deal with the situation.

The claimant must be signposted to relevant local and national organisations where they will be able to get help and support.

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