

# Availability for work

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## **Additional time which is acceptable**

### **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 the National Minimum Wage and National Living Wage
- on a full-time basis
- within 90 minutes' travel time from their home by their normal method of transport

In certain circumstances, a claimant can place limitations on their availability for work 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 their 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 salary in circumstances where a 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 3 months from the date Universal Credit was claimed
- 3 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 wage or National Living Wage.

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

If a claimant starts work, moves into the Working Enough regime due to earnings, 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 that 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 the potential for this being long term
- if the claimant has an employer and that employer is providing 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 carer 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 hours of work availability will be compatible with their caring responsibilities. A claimant 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 that they have reasonable prospects of finding work, given this restriction. Travel time to and from school to collect children must be considered for any restriction.

### **Reasonable prospects of finding work**

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

- that the limitations do not prevent the claimant from taking up any job
- that account is taken of the jobs available in the local Labour Market - ensuring that a claimant does not restrict the hours they are available to such an extent that no jobs would be available to them

### **Availability limitation and work search**

Any agreed restriction on hours of availability will determine a claimant's 'expected hours' of work search.

### **Other restrictions on availability**

#### **Pattern of availability**

If a claimant is expected to be available for full-time work, a pattern of availability may be agreed with them.

Any agreed pattern of availability will determine a claimant's work search requirements, as long as they have reasonable prospects of finding work that fits in with their availability.

#### **Type of job**

If a 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 must show that they have reasonable prospects of finding work given this restriction.

### **Availability limitation - travel to work time**

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

- car
- public transport

- walking
- cycling

If a claimant has particular difficulties which have an adverse effect on their ability to obtain work and to be able to travel to work (such as a health condition or caring responsibilities), they must have their travel to work time or area of destination 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 must always be tailored to the individual claimant.

The work search activities expected of claimants must take account of their capabilities, regardless of whether they are expected to look for full-time work or have earned restrictions. Not all claimants will be able to undertake the same amount of activity during the same period of time. Work coaches must judge what can be reasonably expected of a claimant based on their acquired knowledge of the claimant and their known capabilities.

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

This will be recognised for claimants of all faiths and their availability for work and attending interviews (including Work Focused Interviews) will be adjusted to allow for religious days and other set occasions 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 particular day rearranged.

Wherever possible, a claimant is required to 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**

A claimant who is required to be available for work must be as ready and flexible as possible to attend interviews and to start work. If a claimant has commitments, they should consider how these may need to be rearranged so they can take up interviews or start work.

### **Additional time which is acceptable**

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 carer	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

In order for a claimant to meet their requirements, they must demonstrate, through their behaviours and actions that they are both willing and able to take up work within the required time.