

Availability for work

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Introduction

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

This also applies to working claimants and not just those who are out of work.

Agents should be aware that availability and work-related activity are not the same (for example, a claimant who is in work could commit to increasing their working hours but this would be different to the number of hours they spend looking for more work).

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 Availability limitation and work search.

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 minimum of 1 week and a maximum of 4 weeks from the date the Universal Credit claim was made
- 4 weeks 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 the Permitted Period.

The claimant must take reasonable steps each week that gives them the best prospects of securing employment in their usual occupation and with similar pay. 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 4-week period will continue to run until its conclusion so that the claimant can fully benefit from this during any period out of work. The Permitted Period will not start and stop during a period when a claimant is in work and only 1 Permitted Period is allowable in any claim period.

When setting the Permitted Period, the Commitments Review appointment must also be booked to take place at the end of the Permitted Period. At this appointment, the Claimant Commitment must be updated to remove the Permitted Period and to extend the type of work being sought.

If a claimant starts work, moves into the Working Enough regime due to earnings or 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 may limit their work availability if they:

- have a health condition
- have caring responsibilities either for a disabled person or young children
- are already working and have earnings below the Administrative Earnings Threshold

Availability for claimants with a health condition

If a claimant has a physical or mental impairment (including those with cognitive or learning difficulties), the availability 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 the claimant is reasonable expected 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, but they must show that they have reasonable prospects of finding work given this restriction.

Claimants with responsibilities for a child or children under the age of 13 but are not the primary carer can agree to limit their work availability hours but must show they have reasonable prospects of finding work within the tailored work availability pattern.

This is separate from claimants who are the main carer (responsible carer) of a child under 13 who are 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. See Work-related requirements for claimants with children.

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, and
- 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. For more information, see Expected hours of work-related activity.

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 transport appropriate to their circumstances, such as:

- car
- public transport
- walking
- cycling

Travelling time includes the time spent waiting for transport connections after the journey has started.

When establishing how long it would normally take for a claimant to travel to work, consideration is given to:

- the claimant's normal method of transport
- the availability and frequency of public transport
- any personal factors, such as a driving ban
- impairments which may cause travelling independently between locations to take longer than it would for someone without such an impairment.

If a claimant has 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, 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.

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 warrant 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 reasonably be expected of a claimant based on their acquired knowledge of the individual and their known capabilities.

Some claimants have sincerely held religious beliefs that may affect their availability. This must be recognised for claimants of all faiths and their availability for work and attending interviews (including Work Focused Interviews) should be adjusted to allow for religious days and other set occasions to be observed. This is applicable to both:

- general availability (for example, repeated religious days like Saturday or Sunday)
- 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 they have regular commitments, they must consider how these may 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 1 week to take up work.
The main carer	Carers are allowed up to 48 hours to attend an interview and 1 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 7 days of release.

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.