

# **Availability for work and expected hours of work-related activity: Guidance**

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## **Introduction**

It is important for work coaches to understand what is meant by 'work availability,' 'work preparation' and 'expected hours' of work availability and work search, so that they can effectively tailor Claimant Commitments.

## **Intensive Work Search regime**

Most claimants in the Intensive Work Search regime commit to being:

- immediately available for work (work availability)
- prepared to work full-time (total hours of work availability or work hours)
- prepared to spend a number of hours per week looking for work (work search)

These claimants can also undertake work preparation activities (for example, preparing a CV or attending training).

For more information see Intensive Work Search regime.

## **Work Preparation regime**

Claimants in the Work Preparation regime are only expected to undertake work preparation activities. When mandatory, work preparation activities must be reasonable rather than correspond to a set number of expected hours.

For more information see Work Preparation regime.

## **Expected hours**

Maximum expected hours of work search and work-related activity are set out in guidance and are determined by the claimant's:

- Labour Market regime, and
- whether they are the lead carer of a child or children

Work coaches cannot ask a claimant to commit to more than the maximum expected hours of work search set out in guidance. If the claimant voluntarily exceeds maximum hours or undertakes non-mandatory activities, this is also recorded in the Claimant Commitment but the work coach must make clear that the activity is voluntary.

See Intensive Work Search regime: work availability and expected hours of work availability and Intensive Work Search and Work Preparation regimes: work preparation and expected hours of work search.

## **Limitations**

Some claimants may not be able to meet the maximum number of expected hours due to their circumstances.

Where it is unreasonable to expect a claimant to carry out maximum expected hours, limitations can be placed on their availability and expected hours can be tailored to allow them to do fewer hours of work and work search.

Easements and overrides may also apply.

Expected hours can also vary according to the work-related activity - for example, a claimant who is already working will have lower expected hours for work search activity than hours of work availability.

See Intensive Work Search regime: availability limitations and tailoring, Intensive Work Search and Work Preparation regimes: work search and work preparation availability limitations and tailoring and Labour Market regimes and overrides.

## **Conditionality Earnings Threshold**

It is also important for work coaches to understand the Conditionality Earnings Threshold (CET) so that they can explain earnings thresholds to claimants when asked.

Claimants in all regimes (except No Work-Related Requirements) must earn the same as, or above, their individual CET in order to enter the Working Enough regime.

See Conditionality Earnings Threshold (all regimes except No Work-related Requirements).

## **Intensive Work Search regime: work availability and expected hours of work availability**

Claimants in the Intensive Work Search regime have an obligation to be available for work which usually means being able and prepared to take up paid work immediately. Most claimants will commit to:

- being available for work, and
- for an expected number of hours of work or work availability

A claimant who is required to be available for work must be as flexible as possible to attend interviews and be ready to start work. If they have regular commitments, they must consider how they may be rearranged in order to meet these requirements.

Unless there are other circumstances for the work coach to consider, a claimant is expected to be available for work (regardless of the type of work) as long as the salary is at or above the National Minimum Wage and National Living Wage. This will be up to a maximum of:

- 30 hours per week for lead carers of children aged 3-12
- 40 hours per week for 16 or 17 year olds
- 48 hours per week for over 18s

Travelling time must be within:

- 90 minutes from their home by the normal method of transport appropriate to their circumstances (car, public transport, walking, cycling) if they have committed to work search of 17+ hours per week – the claimant can look for other jobs further away if they choose, but they will not be mandated to look for work beyond 90 minutes travel
- 60 minutes from their home if they have committed to work search of 10-16 hours per week
- 30 minutes from their home if they have committed to work search up to 10 hours per week

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

These are maximums and the work coach must tailor accordingly. See Intensive Work Search regime: availability limitations and tailoring.

## **Intensive Work Search regime: availability limitations and tailoring**

In certain circumstances, a claimant can place limitations on their availability for work and hours of work. Therefore, a Claimant Commitment will be tailored according to the claimant's individual circumstances.

Work coaches should be aware that there are different kinds of limitations that can be applied, for example:

- type of work and salary (Permitted Period)
- travel to work time
- volunteering
- contract of employment
- recently left prison
- health conditions and disabilities
- caring responsibilities
- claimants with children
- Sincerely-held beliefs
- other restrictions (for example, MAPPA)

The work coach should also be aware of other situations where a tailored approach will be appropriate, for example:

- hours of availability
- hours of work search
- notice for attending interviews or starting work

Mandatory or discretionary easements and overrides may also apply. See Switching-off requirements (easements) for Labour Market regime interventions: Guidance.

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 help to determine a claimant's work search requirements as long as they have reasonable prospects of finding work that fits in with their availability.

Where possible, the claimant must provide evidence of the restrictions (such as hours, nature of work and location) to the work they are capable of doing before the work coach can determine if limitations to any element of availability is reasonable. Examples of evidence include fit notes, written evidence from third parties.

However, some claimants will not be required to provide evidence where it would be difficult for them to do so (for example, awaiting a medical diagnosis, a religious belief or lacking access to childcare).

When considering limitations, the work coach must also be satisfied that the claimant:

- has reasonable prospects of finding paid work, and
- the limitations do not prevent them finding work when job availability in the local Labour Market is taken into account

This is to ensure that a claimant does not place restrictions to such an extent that no jobs would be available to them.

If it is demonstrated that a claimant's expected hours of work availability are limited, the number of hours they are required to search for work should be adjusted accordingly.

### **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 is known as the Permitted Period.

The Permitted Period can be for a period of up to 4 weeks at the discretion of the work coach and 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

The claimant must take reasonable steps during each week that gives them the best prospects of securing work in their usual occupation and with similar pay. After this period, they will be required to look for any work 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. It will not start and stop during a period when a claimant is in work and only 1 Permitted Period is allowable in any one claim.

When setting the Permitted Period, the Commitments Review appointment must also be booked to take place at its conclusion. 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.

### **Travel to work time**

The travel caps (90, 60, 30 minutes) are maximums which can be reduced according to the claimant's circumstances. When establishing how long it would normally take for a claimant to travel to work, consideration must be given to:

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

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.

The time agreed with the work coach cannot then be used to deduct the total hours of work availability when setting commitments.

There is a separate rule for any travel time that is added to the commute of a lead carer of children aged 3-12 when taking them to school or to childcare provider. This additional time can be deducted from the lead carer's total hours of work availability (as set out in regulations) as well as from the expected hours of work search.

See Work-related requirements for claimants with children.

## **Volunteering**

Volunteers are given up to 48 hours to attend an interview and 1 week to take up work. Otherwise, the work coach may consider reducing the expected hours of work depending on the nature of the voluntary activities. See Voluntary work.

## **Contract of employment**

Working claimants who are 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.

## **Recently left prison**

Discharged prisoners are not required to take up work within the first 7 days of release.

## **Health conditions**

If a claimant has a physical or mental health condition or disability (including those with cognitive or learning difficulties), the availability requirement will be limited to what is reasonable in light of the health condition or disability.

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 physical or mental health condition or disability and how this may affect what the claimant is reasonably expected to do
- the likely duration of the health condition and the potential for this being long-term
- if the claimant has an employer who is providing occupational therapy or other provision to help the claimant get back to work

If the claimant has a fit note, they will not be required to take up a new job until this expires but they can be required to attend a job interview.

### **Caring responsibilities**

If a claimant has caring responsibilities for a person who has a physical or mental health condition or disability 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

Their expected 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 children**

Claimants who are the lead carer of a child aged 3-12 can restrict their work hours to their child's normal school hours (up to 30 hours) without showing that they have reasonable prospects of finding work given this restriction.

Work coaches must have a discussion with the claimant about their circumstances, particularly the availability of local childcare, and tailor work availability accordingly. In doing so, the work coach must consider if the claimant has ready access to childcare and the notice required to arrange this.

Travel time to and from school to collect children must be considered for any restriction. See Travel to work time.

Lead carers who are responsible for looking after children may also have their travel time capped depending on their hours of availability.

This is separate from claimants with responsibilities for a child or children under the age of 13 but who are not the lead carer. They can agree to limit their work availability hours but must show they have reasonable prospects of finding work within the tailored work availability pattern.

A lead carer is 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.

See Intensive Work Search regime: work availability and expected hours of work availability and Work-related requirements for claimants with children.

### **Sincerely-held beliefs**

If a claimant has sincerely held beliefs (for example, vegan, vegetarian or religious beliefs) and wishes to limit the type of work they are available for, they must show that they have reasonable prospects of finding work given this restriction.

For claimants with sincerely-held religious beliefs, restrictions with their availability for work may include particular fields of employment, for example work:

- involving the sale of alcohol
- in the gambling industry

Their availability for work and attending interviews (including Work Focused Interviews) can also 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 search and work preparation activities remain the same.

### **Intensive Work Search and Work Preparation regimes: work preparation and expected hours of work search**

Work search and work preparation are activities that the claimant undertakes in order to increase their prospect of finding work or increasing their working hours.

Expected hours of work search hours in Claimant Commitments can take into account time spent on work preparation (although when work preparation is mandatory this does not include 'expected hours').

Work search and work preparation have different rules, can be mandated in different ways and are sanctioned differently.



## **Intensive Work Search regime**

Claimants in the Intensive Work Search regime can be mandated to carry out both work search and work preparation activities. See Intensive Work Search regime.

## **Work Preparation regime**

Claimants in the Work Preparation regime can only be mandated to undertake work preparation activities. See Work Preparation regime.

## **Expected hours of work-related activity: maximums**

The following table shows the maximum hours of work-related activity that a claimant can commit to.

<b>Claimant group</b>	<b>Maximum hours per week</b>
Lead carer of a child aged 3-12 (Intensive Work Search regime)	30 (Work-related activities - other circumstances can also reduce this)
Other claimants in Intensive the Work Search regime	35 (Work-related activities - other circumstances can also reduce this)

**Note:** whereas claimants in the Intensive Work Search regime who are not lead carers can be mandated to be available for work up to 48 hours a week (see above), they can only be mandated to undertake up to 35 hours of work search. See Work-related requirements for claimants with children.

## **Intensive Work Search and Work Preparation regimes: work search and work preparation activities limitations and tailoring**

Work preparation requirements must be reasonable and fully reflect the claimant's circumstances.

The expected hours for work search can be tailored to allow a claimant to do fewer hours per week where appropriate.

Any agreed restriction on hours of work availability (for claimants in the Intensive Work Search regime) will help determine a claimant's expected hours of work-related activities.

A claimant's work search activities 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.

A claimant may not be able to meet the maximum expected hours of work search, for example if they:

- have a health condition
- have caring responsibilities
- are lead carer for a child or children and experiencing difficulties with childcare, travel or other circumstances which means that they cannot meet the maximum (see Work-related requirements for claimants with children)
- are working and have earnings below the Administrative Earnings Threshold

This list is not exhaustive.

See also Labour Market regimes and overrides and Switching-off requirements (easements) for Labour Market regime interventions.

Example:

Sarah works one shift of 3 hours per week with earnings below the Administrative Earnings Threshold (AET) and is in the Intensive Work Search regime. She is the lead carer of a child aged 6.

It takes Sarah 1 hour to travel to work and 1 hour to travel home from work (total travel to work time 2 hours per week).

Taking her child to and from school takes 1 hour each day and adds 1 hour to the time it takes for her to travel to work on her working day.

Sarah spends an hour a week training at home in administrative skills which she is sure will help her secure more and better paid work.

Sarah has a health condition. She was found capable for work in her Work Capability Assessment but does not feel that she can currently commit to working for more than 20 hours per week.

Solution:

As the lead carer of a child aged 6, the maximum hours of work search and work hours that she can be expected to commit to in her commitments is 30 hours.

After a conversation with Sarah, her work coach has decided that these hours can be reduced further and advises Sarah that she can deduct travel time to and from her child's school from her hours of work availability.

However, Sarah says that she is happy to work for 20 hours a week due to her health condition and the work coach is satisfied by her explanation.

As travel time is linked to expected hours, and Sarah is committing to more than 17 hours, the work coach asks if she is happy to spend up to 90 minutes travelling to and from work each day.

She states that due to her health condition she would prefer to commit only to travel time of 60 minutes each way and the work coach is satisfied with this.

The work coach informs Sarah that as the lead carer of a child aged 3-12, she does not need to be immediately available for work. She can request 48 hours to prepare for an interview to take up work or a similar opportunity (as someone with a health condition, the claimant can also request not to be immediately available for work).

Sarah is already working 3 hours a week, spends 1 hour per week in work preparation activities and spends 5 hours per week taking her child to and from school on top of 2 hours per week travelling to and from work.

She cannot be expected to look for work when she is doing these activities, and this should all be added together and deducted from her expected hours of work search.

The work coach starts with the 20 hours that Sarah states she is prepared to work and agrees with her that this is the maximum for her hours of work search also ( $20 - 3 - 1 - 5 - 2 = 9$ ).

Therefore, Sarah's hours of work search are 9 hours per week.

### **Conditionality Earnings Threshold (all regimes except No Work-Related Requirements)**

Claimants are required to match or exceed their individual Conditionality Earnings Threshold (CET) to enter the Working Enough regime.

Lead carers of children aged 1 (usually in the Work Focused Interview regime) must work 16 hours a week at National Minimum Wage or National Living Wage to enter the Working Enough regime although work search and availability cannot be mandated.

Work coaches cannot currently change the CET for each claimant, but they can tailor the CET by overriding the claimant's regime in certain circumstances. See Labour market regimes and overrides.

To calculate each claimant's CET, the Service currently defaults to the maximum expected hours of work search (not work hours) per week for the relevant Labour Market regime (also taking into account the age of the youngest child of claimants

who are lead carers) and multiplies this by National Minimum Wage and National Living Wage.

The maximums are as follows:

<b>Claimant group</b>	<b>Default CET on the Service (matched or exceeded to reach the Working Enough regime)</b>
Lead carer of a child aged 1 (Work-Focused Interview regime)	16 (to allow the claimant to enter the Working Enough regime if applicable - work search or work preparation cannot be mandatory)
Lead carer of a child aged 2/LCW (Work Preparation regime)	16 (Work prep only)
Lead carer of a child aged 3-12 (Intensive Work Search regime or Light Touch regime)	30
Other claimants in the Intensive Work Search regime or Light Touch regime	35