



# Public Law Project

## Universal Credit Claimant Commitment for claimants with mental health conditions

### Claimant Commitment

Your Claimant Commitment is a record of your responsibilities when you are claiming benefit. It should help you to understand what the Department for Work and Pensions (DWP) expect of you to receive Universal Credit. If you have a sanction imposed on you, your Claimant Commitment should also help you to understand what it is that the DWP think has gone wrong. It is important that everyone who claims Universal Credit can agree a Claimant Commitment that properly reflects their personal circumstances.

Once your Universal Credit claim has been received by the DWP, they will contact you to arrange an interview. This is when your Claimant Commitment is drawn up with your Work Coach. Your Claimant Commitment should be tailored to your “capability and personal circumstances, taking account of any vulnerability, complex needs or health issues”<sup>1</sup> and see further below.

### Your claimant commitment interview

At your interview, make sure your Work Coach knows about your health condition, what you can and can't do, and any needs you have.

If you need extra time to explain your circumstances, ask for a longer appointment when you are booking in. You can ask for a private room to be arranged if you do not want other people to hear what you are saying. Show your Work Coach a copy of your fit note, and any other evidence you have. Write down what you want to say in advance, and take your notes in with you. Give yourself enough time to get to the interview so you don't feel rushed. Take a friend or a relative with you if you need support. If your mental health condition means you cannot get out, you can ask the DWP for a home visit.

The DWP has a duty to make reasonable adjustments if you need these because you have a disability<sup>2</sup>. Tell the DWP if you need help, and the reasons why you need it. If they refuse and you are not satisfied with the reason you are

given, ask to speak to a supervisor or the customer services manager. If they still won't help, seek advice from a welfare rights adviser or a public law solicitor.

### Am I in the right conditionality group?

Your conditionality group for Universal Credit determines what, if any, conditions you need to meet in order to get benefit. Which group you are in is usually decided by a medical assessment known as a “work capability assessment”, but there are exceptions to this, for instance if you are transferring from ESA and have already had a work capability assessment. If you are not sure if you are in the right group, seek advice from a welfare rights adviser.

| Group  | Conditions   |
|--|--|
| All work related conditions - fit for work                   | Work focused interviews, work preparation, work search, available for work |
| Work related activity group - limited capability for work    | Work focused interviews, work preparation, work search                     |
| Support group - limited capability for work related activity | No work related conditions   |

### Work search requirements

Work search requirements can be limited to less than 35 hours a week, and you can limit the kind of work you will look for **if you have a physical or mental impairment** and the DWP think it is reasonable to reduce them<sup>3</sup>. Your work search requirements can also be reduced if you have caring responsibilities, including childcare, and in other circumstances, including if you have experienced recent domestic violence or

<sup>1</sup> DWP evidence to Work and Pensions Select Committee (ANC 0083) ADM J3254

<sup>2</sup> Equality Act 2010

<sup>3</sup> Reg 88 (2)(c) Universal Credit Regulations



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domestic emergencies including homelessness.<sup>4</sup> Work search requirements can be suspended for up to two periods of up to 14 days if you are unfit for work; you may have to provide evidence of this.

The DWP has a duty to make reasonable adjustments if you have additional needs because of your health condition: see further above. This could include things like arranging for you to have online training at home if your condition prevents you from going out.

## If you have complex needs

The DWP says you have “complex needs” if you are experiencing a difficult life event or personal circumstances that mean it would be unreasonable to expect you to meet your work related requirements, including if you have a mental health condition, such as low self-confidence and self-esteem, anxiety state or depression, or if you have said you are at risk of suicide or self-harm<sup>5</sup>. The DWP may want to see evidence of your needs from someone acting in an official capacity, such as a health worker, housing association, support worker or someone from a support service. Your needs should be discussed at an interview.

If you have complex needs, in addition to any allowances or “easements” the law makes in your circumstances, your Work Coach has a discretion to suspend your conditionality requirements if it is unreasonable to expect you to complete these for a certain period of time<sup>6</sup>. If this is appropriate in your case, the easement begins on the date you tell the DWP your needs, and continues as long as you provide evidence of your needs<sup>7</sup>.

## After a work capability assessment

Your Claimant Commitment should be reviewed and updated; DWP guidance says that if your work-related requirements change, your claimant commitment should record this<sup>8</sup>. Even if you are not considered to have limited capability for work

or work related activity, the hours you have to be available for work and the type of work you can be expected to look for can be adjusted if you have a physical or mental impairment, for instance if your mental health makes it harder for you to travel to work on public transport, or to do jobs that involve meeting lots of people who are unfamiliar to you.

## What should I do if I don't want to sign the Claimant Commitment?

You should be offered a seven day ‘cooling off’ period. **You need to sign a Claimant Commitment to get paid Universal Credit** even if you cannot work or look for work. There are exceptions if you lack capacity or in exceptional circumstances where it would be unreasonable to expect you to sign<sup>9</sup>. You may want to consider signing the Claimant Commitment and then asking for it to be changed as soon as possible afterwards. Seek specialist advice from a welfare rights adviser or solicitor before refusing to sign your Claimant Commitment.

## What if I want to change what is on my Claimant Commitment?

You can ask your Work Coach to change your Claimant Commitment at any time, you may want to do this if your circumstances change, or if it is not suitable for you.<sup>10</sup> Each time your Claimant Commitment changes, you will need to agree and accept a new one. If the DWP will not change your claimant commitment; seek advice from a welfare rights adviser or a public law solicitor.

*This information leaflet has been produced by the Public Law Project as part of our Benefit Sanctioning Project in order to assist claimants to understand how to negotiate their claimant commitments. It should not be taken as legal advice. More information about our work on this project, including details of how to refer a case to our casework service, is available on our website at <https://publiclawproject.org.uk/what-we-do/current-projects-and-activities/benefit-sanctions/>*

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<sup>4</sup> PLP has published other information sheets on these issues. These are available on our website: <https://publiclawproject.org.uk/what-we-do/current-projects-and-activities/benefit-sanctions/>

<sup>5</sup> ADM J3253

<sup>6</sup> ADM J3250

<sup>7</sup> ADM 3255

<sup>8</sup> Section 14 Welfare Reform Act 2012 ADM J1030

<sup>9</sup> Reg 16 UC Regs

<sup>10</sup> Section 14, Welfare Reform Act 2012.