



Welfare Reform Act 2012

2012 CHAPTER 5

PART 2

WORKING-AGE BENEFITS

CHAPTER 1

JOBSEEKER'S ALLOWANCE

Claimant responsibilities after introduction of universal credit

49 Claimant responsibilities for jobseeker's allowance

- (1) The Jobseekers Act 1995 is amended as follows.
- (2) In section 1(2) (conditions of entitlement), paragraphs (a) and (c) are repealed.
- (3) For sections 6 to 10 (and the italic heading preceding section 6) there is substituted—

“Work-related requirements

6 Work-related requirements

- (1) The following provisions of this Act provide for the Secretary of State to impose work-related requirements with which claimants must comply for the purposes of this Act.
- (2) In this Act “work-related requirement” means—
 - (a) a work-focused interview requirement (see section 6B);
 - (b) a work preparation requirement (see section 6C);
 - (c) a work search requirement (see section 6D);
 - (d) a work availability requirement (see section 6E).

Status: Point in time view as at 25/02/2013.

Changes to legislation: Welfare Reform Act 2012, Cross Heading: Claimant responsibilities after introduction of universal credit is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

6A Claimant commitment

- (1) A claimant commitment is a record of a claimant's responsibilities in relation to an award of a jobseeker's allowance.
- (2) A claimant commitment is to be prepared by the Secretary of State and may be reviewed and updated as the Secretary of State thinks fit.
- (3) A claimant commitment is to be in such form as the Secretary of State thinks fit.
- (4) A claimant commitment is to include—
 - (a) a record of the requirements that the claimant must comply with under this Act (or such of them as the Secretary of State considers it appropriate to include),
 - (b) any prescribed information, and
 - (c) any other information the Secretary of State considers it appropriate to include.
- (5) For the purposes of this Act a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

6B Work-focused interview requirement

- (1) In this Act a “work-focused interview requirement” is a requirement that a claimant participate in one or more work-focused interviews as specified by the Secretary of State.
- (2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.
- (3) The purposes which may be prescribed under subsection (2) include in particular that of making it more likely in the opinion of the Secretary of State that the claimant will obtain paid work (or more paid work or better-paid work).
- (4) The Secretary of State may specify how, when and where a work-focused interview is to take place.

6C Work preparation requirement

- (1) In this Act a “work preparation requirement” is a requirement that a claimant take particular action specified by the Secretary of State for the purpose of making it more likely in the opinion of the Secretary of State that the claimant will obtain paid work (or more paid work or better-paid work).
- (2) The Secretary of State may under subsection (1) specify the time to be devoted to any particular action.
- (3) Action which may be specified under subsection (1) includes in particular—
 - (a) attending a skills assessment;
 - (b) improving personal presentation;

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- (c) participating in training;
- (d) participating in an employment programme;
- (e) undertaking work experience or a work placement;
- (f) developing a business plan;
- (g) any action prescribed for the purpose in subsection (1).

6D Work search requirement

- (1) In this Part a “work search requirement” is a requirement that a claimant take—
 - (a) all reasonable action, and
 - (b) any particular action specified by the Secretary of State,for the purpose of obtaining paid work (or more paid work or better-paid work).
- (2) The Secretary of State may under subsection (1)(b) specify the time to be devoted to any particular action.
- (3) Action which may be specified under subsection (1)(b) includes in particular—
 - (a) carrying out work searches;
 - (b) making applications;
 - (c) creating and maintaining an online profile;
 - (d) registering with an employment agency;
 - (e) seeking references;
 - (f) any other action prescribed for the purpose in subsection (1).
- (4) Regulations may impose limitations on a work search requirement by reference to the work to which it relates; and the Secretary of State may in any particular case specify further such limitations on such a requirement.
- (5) A limitation under subsection (4) may in particular be by reference to—
 - (a) work of a particular nature,
 - (b) work with a particular level of remuneration,
 - (c) work in particular locations, or
 - (d) work available for a certain number of hours per week or at particular times,and may be indefinite or for a particular period.

6E Work availability requirement

- (1) In this Act a “work availability requirement” is a requirement that a claimant be available for work.
- (2) For the purposes of this section “available for work” means able and willing immediately to take up paid work (or more paid work or better-paid work).
- (3) Regulations may impose limitations on a work availability requirement by reference to the work to which it relates; and the Secretary of State may in any particular case specify further such limitations on such a requirement.

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- (4) A limitation under subsection (3) may in particular be by reference to—
- (a) work of a particular nature,
 - (b) work with a particular level of remuneration,
 - (c) work in particular locations, or
 - (d) work available for a certain number of hours per week or at particular times,
- and may be indefinite or for a particular period.
- (5) Regulations may for the purposes of subsection (2) define what is meant by able and willing immediately to take up work.

6F Imposition of work-related requirements

- (1) The Secretary of State must, except in prescribed circumstances, impose on a claimant—
- (a) a work search requirement, and
 - (b) a work availability requirement.
- (2) The Secretary of State may, subject to this Act, impose either or both of the following on a claimant—
- (a) a work-focused interview requirement;
 - (b) a work preparation requirement.

6G Connected requirements

- (1) The Secretary of State may require a claimant to participate in an interview for any purpose relating to—
- (a) the imposition of a work-related requirement on the claimant;
 - (b) verifying the claimant's compliance with a work-related requirement;
 - (c) assisting the claimant to comply with a work-related requirement.
- (2) The Secretary of State may specify how, when and where such an interview is to take place.
- (3) The Secretary of State may, for the purpose of verifying the claimant's compliance with a work-related requirement, require a claimant to—
- (a) provide to the Secretary of State information and evidence specified by the Secretary of State in a manner so specified;
 - (b) confirm compliance in a manner so specified.
- (4) The Secretary of State may require a claimant to report to the Secretary of State any specified changes in their circumstances which are relevant to—
- (a) the imposition of work-related requirements on the claimant;
 - (b) the claimant's compliance with a work-related requirement.

6H Imposition of work-related and connected requirements: supplementary

- (1) Regulations may make provision—

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- (a) where the Secretary of State may impose a requirement under the preceding provisions of this Act, as to when the requirement must or must not be imposed;
 - (b) where the Secretary of State may specify any action to be taken in relation to a requirement under the preceding provisions of this Act, as to what action must or must not be specified;
 - (c) where the Secretary of State may specify any other matter in relation to a such requirement, as to what must or must not be specified in respect of that matter.
- (2) Where the Secretary of State may impose a work-focused interview requirement, or specify a particular action under section 6C(1) or 6D(1)(b), the Secretary of State must have regard to such matters as may be prescribed.
- (3) Where the Secretary of State may impose a requirement under the preceding provisions of this Act, or specify any action to be taken in relation to such a requirement, the Secretary of State may revoke or change what has been imposed or specified.
- (4) Notification of a requirement imposed under the preceding provisions of this Act (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Secretary of State may determine.
- (5) Regulations must make provision to secure that, in prescribed circumstances, where a claimant has recently been a victim of domestic violence—
- (a) a requirement imposed on the claimant under the preceding provisions of this Act ceases to have effect for a period of 13 weeks, and
 - (b) the Secretary of State may not impose any other requirement on the claimant during that period.
- (6) For the purposes of subsection (5)—
- (a) “domestic violence“ has such meaning as may be prescribed;
 - (b) “victim of domestic violence” means a person on or against whom domestic violence is inflicted or threatened (and regulations under subsection (5) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);
 - (c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

6I Compliance with work-related and connected requirements

Regulations may make provision as to circumstances in which a claimant is to be treated as having—

- (a) complied with or not complied with any requirement imposed under the preceding provisions of this Act or any aspect of such a requirement, or
- (b) taken or not taken any particular action specified by the Secretary of State in relation to such a requirement.

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6J Higher-level sanctions

- (1) The amount of an award of jobseeker's allowance is to be reduced in accordance with this section in the event of a failure by a claimant which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a claimant—
 - (a) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work preparation requirement to undertake a work placement of a prescribed description;
 - (b) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work search requirement to apply for a particular vacancy for paid work;
 - (c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;
 - (d) by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay.
- (3) It is a failure sanctionable under this section if, at any time before making the claim by reference to which the award is made, the claimant—
 - (a) for no good reason failed to take up an offer of paid work, or
 - (b) by reason of misconduct, or voluntarily and for no good reason, ceased paid work or lost pay.
- (4) For the purposes of subsections (2) and (3) regulations may provide—
 - (a) for circumstances in which ceasing to work or losing pay is to be treated as occurring or not occurring by reason of misconduct or voluntarily;
 - (b) for loss of pay below a prescribed level to be disregarded.
- (5) Regulations are to specify—
 - (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect, not exceeding three years in relation to any failure sanctionable under this section.
- (6) Regulations under subsection (5)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
 - (a) the number of failures by the claimant sanctionable under this section;
 - (b) the period between such failures.
- (7) Regulations may provide—
 - (a) for cases in which no reduction is to be made under this section;
 - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
 - (c) for the termination or suspension of a reduction under this section.

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6K Other sanctions

- (1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this section in the event of a failure by a claimant which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a claimant—
 - (a) fails for no good reason to comply with a work-related requirement;
 - (b) fails for no good reason to comply with a requirement under section 6G.
- (3) But a failure by a claimant is not sanctionable under this section if it is also a failure sanctionable under section 6J.
- (4) Regulations must specify—
 - (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect.
- (5) Regulations under subsection (4)(b) may provide that a reduction under this section in relation to any failure is to have effect for—
 - (a) a period continuing until the claimant meets a compliance condition specified by the Secretary of State,
 - (b) a fixed period not exceeding 26 weeks which is—
 - (i) specified in the regulations, or
 - (ii) determined in any case by the Secretary of State, or
 - (c) a combination of both.
- (6) In subsection (5)(a) “compliance condition” means—
 - (a) a condition that the failure ceases, or
 - (b) a condition relating to future compliance with a work-related requirement or a requirement under section 6G.
- (7) A compliance condition specified under subsection (5)(a) may be—
 - (a) revoked or varied by the Secretary of State;
 - (b) notified to the claimant in such manner as the Secretary of State may determine.
- (8) A period fixed under subsection (5)(b) may in particular depend on either or both the following—
 - (a) the number of failures by the claimant sanctionable under this section;
 - (b) the period between such failures.
- (9) Regulations may provide—
 - (a) for cases in which no reduction is to be made under this section;
 - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
 - (c) for the termination or suspension of a reduction under this section.

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6L Delegation and contracting out

- (1) The functions of the Secretary of State under sections 6 to 6I may be exercised by, or by the employees of, such person as the Secretary of State may authorise for the purpose (an “authorised person”).
- (2) An authorisation given by virtue of this section may authorise the exercise of a function—
 - (a) wholly or to a limited extent;
 - (b) generally or in particular cases or areas;
 - (c) unconditionally or subject to conditions.
- (3) An authorisation under this section—
 - (a) may specify its duration;
 - (b) may be varied or revoked at any time by the Secretary of State;
 - (c) does not prevent the Secretary of State or another person from exercising the function to which the authorisation relates.
- (4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Secretary of State or (as the case may be) an officer of the Secretary of State.
- (5) Subsection (4) does not apply—
 - (a) for the purposes of so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function, or
 - (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).
- (6) Where—
 - (a) the authorisation of an authorised person is revoked, and
 - (b) at the time of the revocation so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Secretary of State (and not as frustrated by reason of the revocation).”
- (4) In section 29 (pilot schemes), in subsection (8), for the words from “ascertaining” to the end there is substituted “testing the extent to which the provision made by the regulations is likely to promote—
 - (a) people remaining in work, or
 - (b) people obtaining or being able to obtain work (or more work or better-paid work).”
- (5) In section 35 (interpretation), in subsection (1), at the appropriate places there is inserted—

““work availability requirement” has the meaning given by section 6E;”;

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““work preparation requirement” has the meaning given by section 6C;”;

““work search requirement” has the meaning given by section 6D;”;

““work-focused interview requirement” has the meaning given by section 6B;”;

““work-related requirement” has the meaning given by section 6;”.

(6) In section 37 (parliamentary control), in subsection (1), after paragraph (a) there is inserted—

“(aa) the first regulations to be made under section 6J or 6K;”.

Commencement Information

- I1** S. 49(1) in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(2), **Sch. 2 para. 22**
- I2** S. 49(1) in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), **Sch. 1 para. 11**
- I3** S. 49(3) in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), **Sch. 1 para. 11**
- I4** S. 49(6) in force at 25.2.2013 by S.I. 2013/358, art. 2(2), **Sch. 2 para. 22**

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