



Citizens Advice response to the Social Security Advisory Committee consultation on the Universal Credit Claimant Commitment

April 2019

About Citizens Advice

Citizens Advice provides free, confidential and independent advice to help people overcome their problems. In 2017-18, we helped 2.6 million people face to face, over the phone, by email and web chat. We provide support in over 2,000 locations in England and Wales.

Over the last 12 months (up to the end of March 2019) we have helped over **570,000** people with almost **1.4 million** benefits issues, including over **230,000** issues relating to Universal Credit (UC). In the past 12 months we have helped nearly **5,000** people with UC issues relating to conditionality and their claimant commitment.

Over the last 18 months we have also [published several reports](#) on Universal Credit based on our client data, insights from frontline advisers, and interviews with clients.

The geographical scope of this response covers **England and Wales**.

1. Background and context

1.1 The majority of Universal Credit (UC) claimants will need to accept a 'claimant commitment' as a condition of their entitlement to the benefit. The claimant commitment sets out a claimant's responsibilities, including actions they must carry out, in order to receive their UC payment. Failure to carry out the actions required in the commitment may lead to the claimant receiving a reduced UC award, known as a sanction, unless they can give an acceptable justification explaining why they have not complied with the requirements expected of them.

1.2 Citizens Advice support the principles of UC - to simplify the benefits system and ensure that work always pays. We also support the overarching employment goals within the system, whilst recognising that successfully achieving the desired employment outcomes depends on a major investment in personalised support for the 1 million UC claimants who will be subject to conditionality for the first time¹. Like the National Audit Office, we have yet to see compelling evidence that introducing conditionality results in positive labour market outcomes for disabled people and those with long-term health conditions. We are pleased that the Government intends to revisit their commitment to get at least 1 million more disabled people into work by 2027, with a mind to setting a more ambitious target.² However, our evidence shows that the potential of UC to support, coach and mentor economically inactive people into the labour market may, in part, be jeopardised by problems with the claimant commitment.

¹ National Audit Office. [Rolling Out Universal Credit](#). 2018.

² [Health and Disability Announcement: Written statement - HCWS1376](#), March 2018

1.3 Citizens Advice have seen a consistent volume of clients experiencing problems with their claimant commitment over the past 2 years. Over the last year, our local offices have helped nearly 5,000 clients who are experiencing difficulty with conditionality and the claimant commitment within Universal Credit. The evidence in this submission draws on over 600 individual cases submitted by advisers in the Citizens Advice network, detailing the impact that problems with the claimant commitment can have on the people we help. Most of the issues our advisers report arise from an inappropriate commitment that hasn't been tailored to meet the claimant's personal circumstances. In particular, our advisers report that a significant proportion of the people affected by inappropriate commitments have learning disabilities and/or mental health conditions.

1.4 Our forthcoming research with in-work UC claimants³ found that many of our research participants were unaware of the contents of their claimant commitment, and some could not recall signing one at all. Given that we have evidence of claimants being sanctioned or even having their claims closed because they failed to maintain an updated commitment, we are concerned that the process for informing all claimants about the rights and responsibilities within their commitment may not be working as effectively as it could.

1.5 We welcome the continued downward trend in the number of sanctions being applied to UC claimants⁴, but remain concerned that people in vulnerable situations sometimes feel they have no choice but to sign up to commitments that don't appropriately reflect their personal barriers to work, and may place them at unnecessary risk of sanctions as a result.

2. Recommendations

Recommendation 1

The DWP should remove all claimants awaiting or appealing a decision on their Work Capability Assessment from the all work-related requirements activity group under Universal Credit.

Recommendation 2

DWP should look at the time frame for the closing of claims when a commitment hasn't been accepted, and communicate these clearly with claimants, ensuring reminders are multichannel beyond the online journal.

³ Britain Thinks/Citizens Advice. Decision-Making and Behaviours About Work (forthcoming)

⁴ DWP. [Benefit Sanctions Statistics to October 2018](#), 2019

Recommendation 3

The DWP should consider moving the process of drawing up and agreeing a claimant commitment until after the initial claim has been established. This would allow the claimant commitment to become a more collaborative, supportive and tailored process for the claimant, and set the foundation for a positive ongoing relationship with their work coach.

Recommendation 4

The DWP should regularly review how claimant commitments are being set by work coaches - including how discretion is applied - to assess their effectiveness in supporting people to move into and stay in work.

Recommendation 5

We do not believe that sanctions are appropriate for disabled people and those with health conditions. As part of plans to review how conditionality is set, the Government must test the effectiveness of the wider health and work policy programme in supporting these claimants to move into work (where appropriate), to shape any future approaches in this area.

Consultation Questions

3. How are claimant's circumstances factored into the Claimant Commitment (including if they change), particularly claimants with potential restrictions on their work ability, such as caring responsibilities or a disability? Do claimants feel their Commitment accurately reflects their circumstances, particularly those with potential restrictions?

3.1 A significant difference between UC and many legacy benefits is the extension of 'conditionality' to groups of claimants who may previously have received their benefits without behavioural obligations attached to their award. This includes lone parents of preschool age children, people awaiting a Work Capability Assessment (WCA), people in work but with low earnings, and 'second-earners' in couples. Universal Credit brings together millions of people with a diverse range of support needs, and each claimant must have the conditionality of their award tailored to suit their personal circumstances. This tailoring is usually carried out at a meeting between the claimant and their work coach, during the initial assessment period of their Universal Credit claim.

3.2 Our evidence shows that many of our clients in vulnerable situations are incorrectly being placed in the all work-related requirements group, without having the activities expected of them adequately tailored to suit their personal circumstances. The vast majority of these cases involve disabled people, but we also have evidence the issue is affecting carers, people on probation, parents with very young children and those recovering from substance misuse. Although Universal Credit regulations require work coaches to consider whether claimants have any characteristics or vulnerabilities that might limit the number of hours they can work, or the type of activities they are able to undertake as part of their claimant commitment, our advisers are telling us that often this discretion is not being used. This is leading to considerable distress for some of the people we help.

Case study - Steve

Steve has a severe mental health condition and was signed off work by his doctor for 3 months. He initially came to Citizens Advice for help applying for Universal Credit and PIP.

Steve came back to his local Citizens Advice a few days later as he had been asked to sign a Claimant Commitment and was very worried about what this meant for his claim. It included a requirement to look for work for 16 hours a week and to log his job search.

Steve felt that his Work Coach had not understood the extent of his health problems. He had also understood from his Claimant Commitment that not completing the tasks set could lead to his being sanctioned for up to 3 years, and was very anxious that this would happen to him. This had led to a significant deterioration in his mental health.

As Steve needed to get his Universal Credit payment through as soon as possible, our adviser helped him to sign the Claimant Commitment to ensure his claim was completed. They then contacted his Work Coach to challenge the requirements of his claim.

*Client's name has been changed to protect confidentiality

3.3 Work coaches have the discretion to place people in a 'light touch' category for as long as they deem appropriate, and to only assign tasks that the claimant feels would be achievable in their personal circumstances. Some of our advisers did report cases where clients were being offered such adjustments or tailored support. For example, one cited a case where a client who was street homeless had a claimant commitment which only set out that they should continue to engage with local services and work towards finding a permanent residence. Another spoke about a client with a learning disability who had significant barriers to work. They had been asked to think about the tasks they enjoyed doing, as part of an ongoing discussion on types of work which might be suitable.

3.4 Our data shows that the people we help with conditionality issues, including the claimant commitment, are more likely to be disabled or to have long term health conditions, compared to our clients overall, and to those who come to us for help with other UC problems.

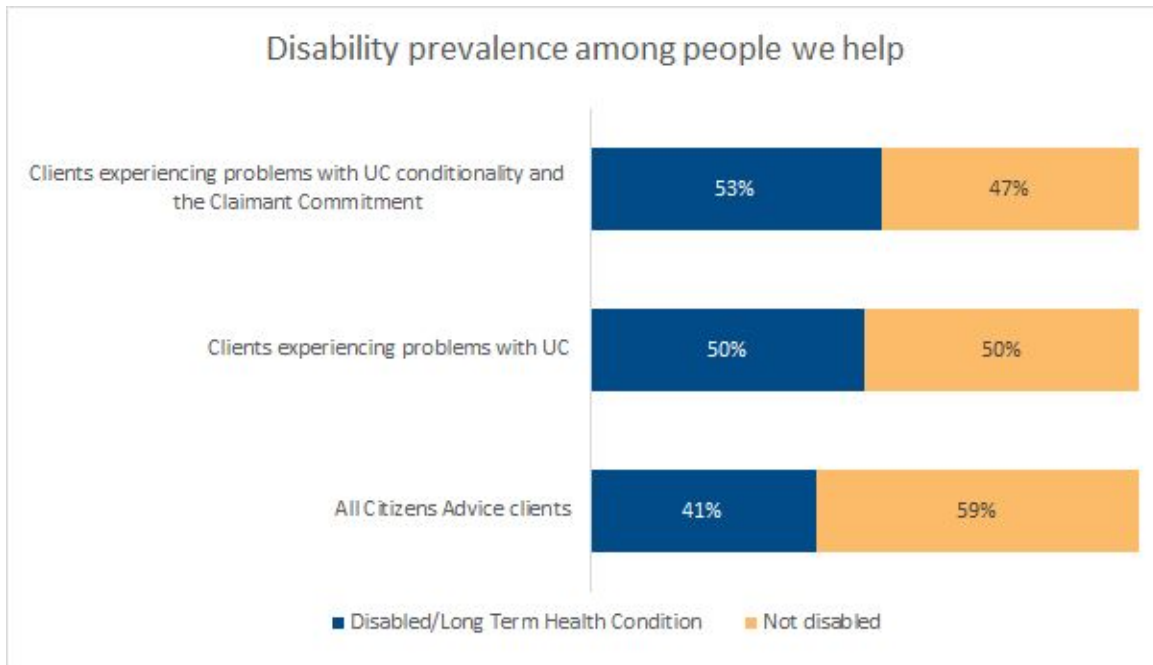


Figure 1: Disability Prevalence among Citizens Advice clients (2018-19)

4 Full conditionality while awaiting a Work Capability Assessment

4.1 One particularly worrying trend in the evidence from our network is the imposition of full work search requirements on people who are awaiting a WCA, or in the process of appealing a decision to find them fit for work. Disabled claimants can usually only be referred for a WCA from the 29th day of their claim, and may then wait up to 3 months for an appointment with an assessor.⁵

4.2 In the legacy system, people awaiting a WCA could be treated as having limited capability for work until their assessment had been carried out. In the UC system all claimants are automatically placed in the all work-related requirements (AWRR) group unless they have circumstances that entitle them to an easement, providing temporary exemption from work-related requirements, e.g. bereavement of partner or child, experiencing domestic violence.

4.3 While work coaches have discretion to reduce commitments where they deem it necessary for the claimant, our evidence shows that some of our clients are still not having their claimant commitments adjusted to recognise their complex health needs, even when they have supplied their work coach with a fit note from their GP.

4.4 Our advisers have submitted a large number of cases where disabled people, and those with long term health conditions, have felt they had to agree to claimant commitments that oblige them to look for work for up to 35 hours a week, before it has even been established whether they are fit for work at all. Claimants who are temporarily unwell can usually have their work-search requirements temporarily suspended if they are able to provide a fit note from their GP, but the Universal Credit

⁵ [191357](#) Response to a Written Parliamentary Question, December 2018

regulations state this is at the work coaches' discretion, and may only be applied twice in any 12 month period⁶.

Case study: Sian*

Sian came to see Citizens Advice after being given a claimant commitment that required her to undertake full work search requirements. Sian suffers from psychosis, so she required support from her mother and a mental health support worker to attend her Citizens Advice interview, and also needs their support to attend interviews at the Jobcentre. She has no computer skills and does not use her mobile phone, instead arranging for any phone communications to go to her mother.

Although Sian has been signed off by her GP for 3 months, she does not yet meet the requirements for being treated as having limited capability for work or limited capability for work-related activity whilst she waits for her Work Capability Assessment. She has been placed in the all-work related requirements group until she has her Work Capability Assessment, which could take 3 months or longer.

*name has been changed to protect confidentiality, client ref CA-138362880

4.5 Although presenting fit notes help some disabled people to avoid the full work-search requirements of the AWRR group, they are not an option for all disabled people, especially those who do not need time off due to their impairment or condition. This group includes disabled people currently undertaking voluntary work, and others working a small number of hours each week. Our previous research into single disabled people claiming UC found some disabled people who might otherwise have limited capability for work or even limited capability for work related activity wished to maintain a very low hours job as they found it helped their overall wellbeing⁷. Our advisers told us that clients with learning disabilities are particularly vulnerable to being placed in full conditionality because their conditions are often not perceived as illnesses, and many *"want to be independent and do not want to admit they need help"* (Welfare Adviser, south west England).

Recommendation 1: The DWP should remove all claimants awaiting or appealing a decision on their Work Capability Assessment from the all work-related requirements activity group under Universal Credit.

5. Do you think claimants completely understand and accept their Claimant Commitment?

5.1 Our evidence shows that some claimants also have a limited understanding of their rights and responsibilities with regard to managing their claimant commitment. For example, our research with UC claimants suggests that there are challenges with people understanding their claimant commitment, with 2 in 5 of the people we help telling us

⁶ [Universal Credit Regulations \(2013\), Regulation 99](#)

⁷ Citizens Advice. [Universal Credit for Single Disabled People](#). 2018

they don't understand how much work/work search is expected from them⁸ and almost half (45%) saying they do not know how to ask for changes in their commitment⁹.

5.2 We are also concerned that people do not know how the claimant commitment fits into the overall UC claim management process. DWP data shows that 1 in 20 UC claimants have their claim closed because the claimant commitment has not been accepted¹⁰. Our survey of the Universal Credit claimants we help also showed 27% found finding and signing their claimant commitment difficult¹¹.

5.3 This lack of understanding places claimants at risk of a sanction, or even the complete closure of their entire UC award. For example, we have multiple case studies of people who have had their UC claim closed because they didn't understand their obligation to accept a renewed claimant commitment after a change in circumstances.

Case study: Janelle*

Janelle found she could not log into her UC account because it was locked. When she attended her monthly meeting with her work coach she found out that her UC claim had been closed a fortnight ago, because she had not accepted a claimant commitment. She did not know anything about the commitment, and did not expect to get one as she was not required to look for work and was due to attend a Work Capability Assessment 2 days before the claim was closed.

Even though her work coach had been meeting Janelle every month, they had not informed her about her need to review and re-sign her new commitment. Neither did the Case Manager contact her by text or phone to tell her they were about to close her claim, and they have still not given her a letter to tell her why the claim had been closed. Janelle had to restart her claim for Universal Credit, which meant she had no UC payments for over a month. She had to apply for an advance in order to make ends meet during this time. Her monthly UC has now been reduced, as the repayments for her advance are being deducted from her award.

*Name has been changed to protect client confidentiality (client re CA-146044198)

Recommendation 2: DWP should look at the time frame for the closing of claims when a commitment hasn't been accepted, and communicate these clearly with claimants, ensuring reminders are multichannel beyond the online journal.

6. Timing of drawing up the commitment within the initial claim process.

6.1 Some of the UC claimants we help had little awareness that they were able to discuss their commitment with their work coach, and request clarification and amendments to their work-search requirements. Our evidence suggests that the timing

⁸ Citizens Advice, Universal Credit full service monitoring survey, Nov 2017 - May 2018, N=569

⁹ Citizens Advice, Universal Credit full service monitoring survey, Nov 2017 - May 2018, N=588

¹⁰ Fol:2025, May 2018

¹¹ Citizens Advice, Universal Credit full service monitoring survey, Nov 2017 - May 2018, N=583

of the claimant commitment within the initial Universal Credit application process may be contributing to this lack of understanding.

"Clients accept claimant commitments - even when they are not right - because they are struggling financially and usually just want to receive UC because they are hard up".

Citizens Advice Adviser, north of England

6.2 Citizens Advice currently has a grant to offer the Help to Claim service for people in England and Wales who are making an initial claim for Universal Credit. As part of the service, we explain what people can expect at their first work coach appointment. We advise that drawing up the claimant commitment should be a conversation, and the start of the claimant's ongoing relationship with their work coach, whilst also explaining the link between the claimant commitment and sanctions. If a client tells us they are disabled, or has a health condition, or caring responsibilities, we will let them know that their claimant commitment might be adapted to suit their personal circumstances. Help to Claim is now fully rolled out across England and Wales, and we are continually gathering data and evidence, with a commitment to a test-and-learn approach that allows us to share the evidence we collect as the programme progresses.

6.3 Signing the claimant commitment is usually a mandatory step in someone's initial claim for UC, and any hesitation in doing so can cause a subsequent delay in the claimant's initial payment. The design of UC means that all new claims wait a minimum of 5 weeks prior to their first payment, and we find our clients are often keen to do everything they can to expedite the process. This means they may be unable or unwilling to make use of the 7 'cooling-off' days they can ask for between drawing up and signing their commitment.

6.4 Some claimants may not be able to tell their work coaches about their personal circumstances at that first appointment. One adviser in the north west of England said she thinks that many of her clients do not want to disclose information that might be relevant to drawing up their claimant commitments *"because they have so many experiences of being treated like they are lying by Jobcentre staff."* Another adviser in Southampton told us that *"I think [clients] feel quite intimidated in a Jobcentre, they are worried if they say something it could work against them"*.

6.5 DWP research in 2017 found that some work coaches lacked the confidence to apply processes flexibly and make appropriate adjustments, and, in some cases, felt overwhelmed by lack of time and the volume of claimants reporting health problems¹². External research has also suggested that the lack of private rooms can be a barrier to understanding the needs of claimants with mental health conditions.¹³

6.6 In late 2017 we surveyed our clients in offices around the country on the relationships they have with work coaches¹⁴. We found our clients were more likely to trust work coaches with information that has traditionally been shared in jobcentres. Three out of five claimants said they trusted their work coaches with information about work searching activities, and around half said the same of their disabilities or health conditions. Clients are more wary of telling their work coaches about life events or

¹² Cited in NAO Rolling Out Universal Credit, 2018, p31

¹³ Mind, [Sanctions and Requirements in Universal Credit](#), October 2017

¹⁴ Citizens Advice survey of UC clients in 14 local Offices across England and Wales, Dec 2017. N=220

mental health problems, both issues they are less likely to have been asked about when claiming legacy benefits.

6.7 An analysis of the disability profile of people who come to us for help with problems relating to the claimant commitment and conditionality shows that this group of clients are more likely to have mental health conditions, compared to our UC clients overall. This suggests that, amongst the people we help, disabled people with mental health problems are more likely to have issues with this area of UC, compared to disabled people with physical health problems

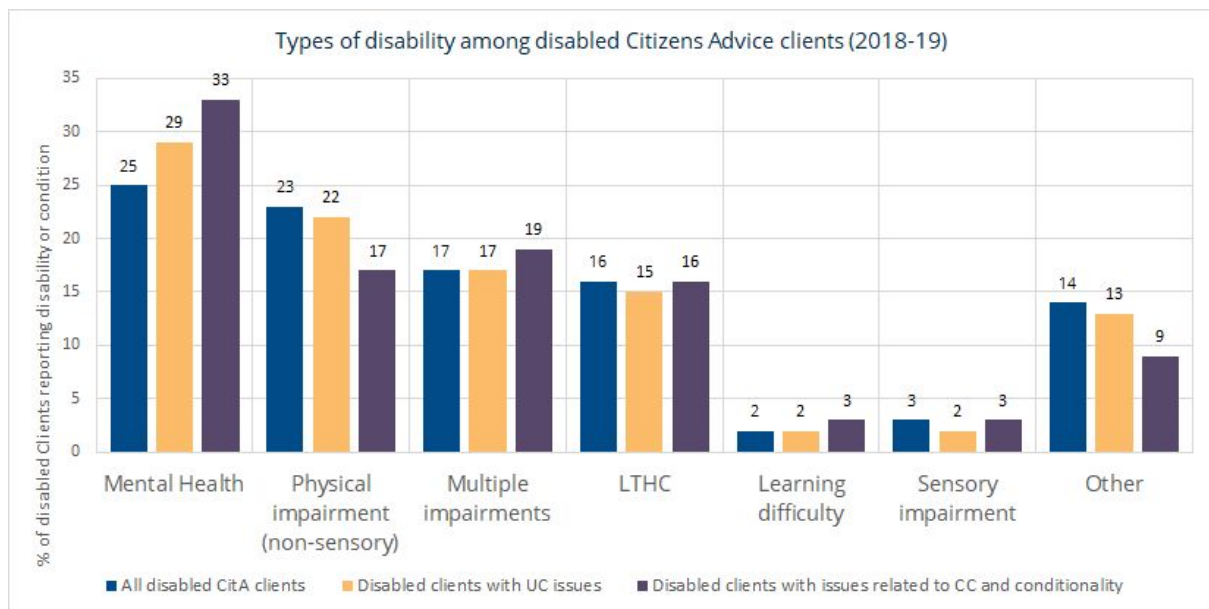


Figure 2: Types of Disability Among disabled Citizens Advice Clients (2018-2019)

6.8 However, evidence from our clients shows that many of the people who have been subject to full work search conditionality had been very clear about their limited capability, and this had not been taken into account by their work coach.

Case study: Adam *

Adam is a vulnerable adult and has a number of health conditions including autism, anxiety, depression and scoliosis. He was not currently claiming any benefits for his health conditions when he first came to see Citizens Advice.

Adam moved to a different area around 5 months ago and this move triggered his claim for UC. He was given work search commitments even though he told the DWP about his poor health in his initial claim. He was not told how to apply for a WCA when he moved over to UC. His work coach also failed to advise him that he could have submitted a fit note and this would have temporarily removed his work search commitments. Adam has constantly struggled to manage his claim and is highly distressed with what's expected of him in order to maintain his payments.

Name has been changed to protect confidentiality (client ref CA-146274958)

Recommendation 3: The DWP should consider moving the process of drawing up and agreeing a claimant commitment until after the initial claim has been established. This would allow the claimant commitment to become a more collaborative, supportive and tailored process for the claimant, and set the foundation for a positive ongoing relationship with their work coach.

7. How is the Claimant Commitment used as part of an ongoing claimant and work coach relationship? Do you think the Claimant Commitment is an effective tool for supporting people into or progressing in work? If not, why, and can you highlight evidence to support your view?

7.1 As the claimant commitment is inextricably linked with the threat of sanctions, it can be difficult for claimants to view it as anything other than a mandatory list of tasks that they feel compelled to accept.

"I don't think I've come across anybody who has felt they could challenge [their claimant commitments]...I don't think people are confident enough when they go into Jobcentre Plus to actually negotiate with the work coaches"

Welfare Adviser, north east England

7.2 This perception is echoed by the finding of the York University study into the effectiveness of conditionality in the welfare system, which concluded that many claimants' experience of the claimant commitment agreement process was "dominated by compulsion rather than negotiation".¹⁵

7.3 Many of the UC claimants we help are experiencing a difficult time in their lives, and fear their initial UC payment will be delayed if they decide not to sign their claimant commitment on the spot. Many UC claimants will also not have been subject to conditionality before and therefore have no benchmark of what is realistic or achievable in terms of work related activity. As managed migration progresses this will be an increasingly common scenario – 3 million working households will be receiving UC, and of these, 1 million will be subject to in-work conditionality for the first time¹⁶.

7.4 Others who are experiencing a period of crisis may not have the bandwidth to consider what it is that they are agreeing to. An adviser in south Wales told us about a client who had recently lost her husband to Motor Neurone Disease, and she has been so distraught that she signed her claimant commitment without reading it first. Our adviser commented that quite often *"People are signing claimant commitments without taking on board whether they can actually fulfil the requirements, people in vulnerable positions are signing up to things they might not be able to do"*

7.5 In such circumstances, it is unlikely that the claimant could feel that the commitment is part of a process of building a trusting and supportive relationship with their work coach. In fact, we are seeing clients experience a deterioration in their mental health and wellbeing due to the stress of being subject to excessive work-related requirements.

¹⁵ York University, [Welfare Conditionality Project Final Findings](#), 2018

¹⁶ Social Security Advisory Committee, [In-Work Progression and Universal Credit](#), 2017

Case study: Dolores*

Dolores has diabetes and consequent problems with her pancreas and kidneys. She is on medication that makes her throw up if she moves around too much. Dolores is claiming UC and her claimant commitment required her to look for/carry out work for 35 hours a week. Dolores is unable to work due to her health conditions and has been providing fit notes from her GP since she started her UC claim. She says she has told her work coach that she cannot work.

Citizens Advice informed Dolores about the process for changing the conditions in her claimant commitment. Dolores was upset that no one had told her about the process for getting her claimant commitment changed, even though she had been submitting fit notes to her work coach the entire time she was on UC. Dolores had felt very worried about the risk of sanctions being applied to her claim, even though her fit notes should have removed the threat of this happening to her.

*Name has been changed to protect client confidentiality, case ref CA-143758621

Recommendation 4: The DWP should regularly review how claimant commitments are being set by work coaches - including how discretion is applied - to assess their effectiveness in supporting people to move into and stay in work.

7.6 We remain unconvinced of the merits of applying conditionality to people who are experiencing challenging personal circumstances, as there is little robust evidence that such an approach works to help people move into or progress in work.¹⁷¹⁸¹⁹²⁰

7.7 It is positive that the DWP has said that it wants to trial a new approach to conditionality for claimants awaiting a Work Capability Assessment, as well as those found to have Limited Capability for Work.²¹ For disabled people and people with long-term health conditions, the use of sanctions is not an effective way in supporting individuals to enter and stay in work. This can be backed up by the use of non-mandated employment programmes, where the voluntary Work Choice employment support programme for disabled people produced better labour market outcomes for economically inactive disabled claimants than the mandatory Work Programme that ran at a similar time.²²

¹⁷ [Citizens Advice response to Public Accounts Committee inquiry into benefit sanctions](#), December 2016
Based on a survey of 275 Citizens Advice staff and volunteers in March 2015.

¹⁸ University of York et al, [Welfare Conditionality: Sanctions, Support and Behaviour](#) Change May 2018

¹⁹ van den Berg, G., and J. Vikstrom. "Monitoring job offer decisions, punishments, exit to work, and job quality." *Scandinavian Journal of Economics* (Forthcoming); in Arni, P. et al (2009) "How Effective are Unemployment Benefit Sanctions?" Centre for Economic Policy Research

²⁰ [Written evidence](#) submitted by Dr David Webster, Honorary Senior Research Fellow, Urban Studies, University of Glasgow to the Work and Pensions Committee, 2014

²¹ [Health and Disability Announcement: Written statement - HCWS1376](#), March 2018

²² DWP, [Evaluation of the Work Choice Specialist Disability Employment Programme](#), 2011

Recommendation 5: We do not believe that sanctions are appropriate for disabled people and those with health conditions. As part of plans to review how conditionality is set, the Government must test the effectiveness of the wider health and work policy programme in supporting these claimants to move into work (where appropriate), to shape any future approaches in this area.