

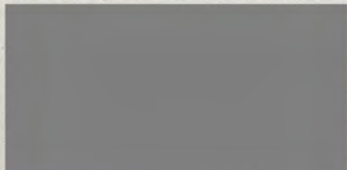


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If you contact us, use this reference:  
[REDACTED]  
09 September 2015



Dear [REDACTED]

## Your Mandatory Reconsideration application – Original Decision revised and allowed

You asked us to look again at the decision we wrote to you about on 31/07/2015 with regards to a Medium Level sanction being placed on your Universal Credit.

Having taken into account the information you provided we have changed the decision to impose a sanction.

A detailed explanation of our reasons for changing the decision is set out below.

### The reasons for this decision

#### Mandatory Reconsideration

Outcome if reconsideration or supersession

#### Revision Allowed

Other, for example, overpayment, determination of a question of fact, housing costs.  
State other type.

#### Details of the Decision.

On 31/07/15, a Decision Maker decided to impose a Medium Level sanction of 28 days (£10.40 per day) on [REDACTED]'s Universal Credit award. [REDACTED] failed without good reason to undertake all reasonable work search action for the period 24/04/15 to 07/05/15 The original decision is below:

## Original decision

Decision Type

Sanction - Medium Level - Applied

In respect of failure to undertake all reasonable work search action

Details of the Decision

Reduction of Universal Credit (UC) is to be considered in respect of whether [REDACTED] failed without good reason to undertake all reasonable work search action for the period 24.4.15 to 7.5.15

Welfare Reform Act 2012 Chpt 5 secs 17 & 27

[REDACTED] made a claim to UC on 28.1.15 and was placed in the All Work-Related Requirements Group. On 5.2.15 he accepted a claimant commitment and agreed the actions he would take to find work.

[REDACTED] attended an appointment at the UC Outlet on 29.6.15

The work coach felt that [REDACTED]'s work search was insufficient and issued a letter asking him to provide evidence of his work search action for the period at issue.

In his reply he provided the following details of the work search action he has taken:

Applied for 26 vacancies (list given but employed 'greyed out' on e-mail list.)

Determining whether a claimant is meeting their work search requirement in any week requires a comparison between

Decisions - claims, revisions, supersessions, etc, determination of questions and reconsiderations.

1. what they in fact did to search for work in that week and

2. what the law required them to do.

A claimant is to be treated as not having complied with a work search requirement to take all reasonable action for the purpose of obtaining paid work in any week unless the Secretary of State is satisfied that the claimant has taken all reasonable action for the purpose of obtaining paid work despite the number of hours that the claimant spends taking such action being lower than the expected number of hours per week and that action gives the claimant the best prospects of obtaining work.

Universal Credit Regulations 2013 reg 95

[REDACTED] has provided details of 26 jobs he applied for during this period. Each of which he applied for online. whilst I accept [REDACTED] has undertaken some job search, he has not shown evidence of spending 29 hours each week jobsearching as is agreed on his claimant commitment. [REDACTED] has limited himself to admin or IT jobs when there were 200+ other vacancies on UJ he could have applied for. Had he spent the requisite 29 hours each week looking for work he may have found some of said vacancies.

Universal Credit Regulations 2013 reg 99 lists circumstances in which a work search requirement no longer applies.

None of those circumstances apply in this case.

Having considered all the evidence provided in this case I have decided that [REDACTED] has not undertaken all reasonable work search action for the period 24.4.15 to 7.5.15 and has not provided good reason for that failure.

Therefore a medium level sanction of 28 days applies as there have not been any previous medium level sanctionable failures within 364 days of this sanctionable failure.

Universal Credit Regulations 2013 regs 101 & 103

The daily reduction rate is £10.40

Universal Credit is operated by the Department for Work and Pensions

[www.gov.uk/universalcredit](http://www.gov.uk/universalcredit)

Universal Credit Regulations 2013 regs 110 & 111  
AR Number: UCM008 (Failure to undertake all reasonable work search action)  
Effect on Award  
Sanction applies and UC Cut

## Reconsideration

On 27/08/15 [REDACTED] requested a mandatory reconsideration of the decision of 31/07/15. [REDACTED] states in his letter that:

I am writing to ask you to reconsider your sanction decision made on 31/07/2015 regarding the period 24/04/2015 to 07/05/2015.

Firstly I would like to point out that I have successfully secured employment using the methods I have been criticized for, and my claim will close in several weeks.

The Decision maker determined whether I had met my work search requirement in the week by comparing

1. What I in fact did to search for work in that week and
2. What the law required me to do.

### What the law – the Jobseeker' Act actually says

The **duty to actively seek work is not to be found in the job seekers agreement** but in S7 of the jobseeker's Act. S7(1), which provides:

*"A person is actively seeking work if he takes in that week such steps as he could reasonably be expected to have to take in order to have the best prospects of securing employment."*

More detail is set out in regulation 18 of the Regulations. Regulation 18(1) provides that:

*"... a person shall be expected to have to take more than two steps in any week unless taking one or two steps is all that is reasonable for that person to do in that week."*

I would also like to draw your attention to case law on the matter of reasonable steps.

Mr Commissioner Williams held at para 10 & 14 of CJSA/1814/2007 (case law)

*"That is illustrated by this appeal. C was required by his Agreement to take 6 steps each week and several other steps from time to time. That is clearly more steps than the regulation requires of him to meet the test of "actively seeking work". And it is more steps than the Agreement asked him to record. On the facts, the secretary of state's representative now accepts that C took four steps in the week and that those four steps met the test in section 7(1)."*

**"Further, there is nothing in the Act or the Regulations requiring that a claimant must comply with everything in the Agreement. The reverse is the case. The agreement must comply with the law.**  
To be valid, a jobseeker's agreement must comply "with the prescribed regulations in force": section

## Allowed

I have considered the evidence available and I have decided that the decision of 31/07/15 falls to be revised and the original decision maker was not made aware of all the material facts. As a result, an error in law has occurred.

I have decided to revise the original decision of 31/07/15 to impose a sanction on [REDACTED]'s Universal Credit award. The sanction should no longer proceed and any arrears due be issued.

**Welfare Reform Act 12 – 23, 27**  
**Universal Credit Regulations 2013 – 104 (1)(b)(i), (2)(b)(i)**

**Effect on Award**  
**Sanction Removed**

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If you want to know more information about this decision, please contact us on the phone number or address at the top of this letter.

### **What happens next**

If you still think the decision is wrong, you can appeal to an independent Tribunal.

If you want to appeal, **you must do so in writing, within one month of the date of this letter**

**You must send your written appeal direct to Her Majesty's Courts and Tribunals Service (HMCTS) along with this Mandatory Reconsideration Notice.**

You must include a copy of this Mandatory Reconsideration Notice with your appeal. If you do not the Tribunal may not be able to consider your appeal until you have sent it to them – this will delay the process. We have given you two copies of this Mandatory Reconsideration Notice. Send one with your appeal and keep the other one in a safe place as you will need to refer to it later.

### **How to appeal**

**Download** a copy of an appeal pack from:

- [www.justice.gov.uk/tribunals](http://www.justice.gov.uk/tribunals)
- [www.gov.uk](http://www.gov.uk)

Use the Tribunals Notice of Appeal form to make your Appeal. Please make sure you include all of the information the Tribunal needs.

You can also appeal by letter giving full reasons for your Appeal. If any information is missing, it may take longer to register your appeal and the Tribunal may have to contact you for further information.

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[www.gov.uk/universalcredit](http://www.gov.uk/universalcredit)