**Universal Credit ‘Sanctions’**

**This factsheet was written by Tameside MBC Welfare Rights Service in February 2015. It is a general guide and does not cover every circumstance. Though we have tried to make sure it was correct at the time of publication, it may become inaccurate over time, for example because of changes to the law.**

**What is a sanction?**

A ‘sanction’ is when your Universal Credit is stopped or reduced for a period of time, usually because the Department for Work and Pensions (DWP) say you have not done enough to meet your ‘work-related requirements’.

These requirements should be set out in your Claimant Commitment. They tell you what, if anything, you need to do to prepare for work, find work, or increase your earnings if you are already working. The requirements you have to meet depend on your personal circumstances.

**How long do sanctions last for?**

The length of a sanction depends on which work-related requirements you have to meet, what the Jobcentre says you failed to do, and whether you have been sanctioned before. There are four different levels of sanction:

* **Lowest Level:** ifyou only have to meet the ‘work-focused interview requirement’, and you fail to attend or take part in a Work-Focused Interview. They last until you take part in one.
* **Low Level**: if you fail to attend or take part in a Work-Focused Interview, and a lowest level sanction does not apply; if you fail to attend or take part in a training course; or if you fail to take a specific action to get paid work, or to increase your earnings from work. They last until you do whatever you were sanctioned for failing to do, plus 7 days for your first low level sanction in any 364 day period, 14 days for your second, or 28 days for your third.
* **Medium Level**: if you have to meet the ‘work search requirement’, and you fail to take all reasonable actions to find paid work or increase your earnings from work; or, if you have to meet the ‘work availability requirement’, and you are not available to start work or attend interviews. You will be sanctioned for 28 days for your first medium level sanction in any 364 day period, or 91 days for your second.
* **Higher Level**: if you have to meet the ‘work preparation requirement’, and you fail to take part in Mandatory Work Activity; if you have to meet the ‘work search requirement’, and you fail to apply for a particular job when told to do so; if you have to meet the ‘work availability requirement’, and you refuse a job offer; or if you leave work or reduce your hours of work, whether voluntarily or due to ‘misconduct’ (while claiming Universal Credit or just before you claim). You will be sanctioned for 91 days for your first higher level sanction in any 364 day period, 182 days for your second, or 1095 days for your third. There are special rules for how long your sanction will last if it is for leaving work before you claimed Universal Credit.

If you do not have to meet any ‘work-related requirements’ (as set out in your Claimant Commitment), you cannot be sanctioned.

Though you cannot have two sanctions at once, sanctions can run back-to-back. It is important to challenge every sanction which you believe to be wrong, to avoid longer, more severe sanctions in the future (see pages 6-7).

**How much Universal Credit will I lose?**

To work out how much Universal Credit you will lose in total, multiply the number of days you have been sanctioned by your ‘daily reduction rate’ (see below):

|  |  |  |
| --- | --- | --- |
| **2014-15 ‘daily reduction rates’** | High rate | Low Rate\* |
| Single under-25 | £8.10 per day | £3.20 per day |
| Single 25 or over | £10.30 per day | £4.10 per day |
| Couple, both under 25\*\* | £12.80 per day | £5.10 per day |
| Couple, one or both 25 or over\*\* | £16.20 per day | £6.40 per day |

\*Your ‘daily reduction rate’ should be the low rate if you are 16-17 years old, if you are in the ‘work focused interview requirement only’ group, if you are responsible for a child under one, if you are due to give birth within 11 weeks, if you have given birth in the last 15 weeks, or if an adopted child has been placed with you in the last 52 weeks.

\*\*If you are claiming Universal Credit as a couple, but only one of you is sanctioned, halve your couple rate and multiply this by the number of days you have been sanctioned for. This will tell you how much Universal Credit you will lose in total.

When you are sanctioned, it is usually your next monthly payment of Universal Credit that is affected. Depending on when the decision to sanction you was made, the length of sanction, and whether you will have sanctions running back-to-back, more than one future monthly payment of Universal Credit may be affected.

**How can I avoid being sanctioned?**

When you claim Universal Credit, you will be asked to agree and sign a Claimant Commitment that sets out what (if anything) you are expected to do to prepare for work, find work, or increase your earnings if you are already working.

Try to make sure your Claimant Commitment does not include anything you will struggle with (e.g. because you are responsible for a young child, or because you have a health condition or disability) by explaining this to the Jobcentre adviser. You can sign a Claimant Commitment you disagree with, then ask for any changes you want to make to be looked at by a DWP decision maker.

If you do not complete all the activities in your Claimant Commitment, you may be sanctioned. If you can show ‘good cause’ for failing to do something, you may not be sanctioned. Some possible examples of ‘good cause’ could be:

* You had to care for a young child, or someone who is ill or disabled, at short notice
* Bereavement
* You were made homeless
* You had an emergency like a burglary or flood
* You were ill
* You refused a job, or did not attend a training course, as it would have taken place outside normal school hours and you have a young child

If you have to meet all the work-related requirements, you will have to spend between 17.5 and 35 hours a week looking for work. If you choose not to give your Jobcentre adviser access to your online ‘Universal Jobmatch’ account, you will need to show provide evidence of what you have done to look for work every time you sign-on.

You could ask for the DWP to look at your Universal Credit claim again if you can show you should not have to meet a set of work-related requirements (i.e. because your personal circumstances have changed since you claimed). Please see the Citizens Advice Bureau Adviceguide website ([www.adviceguide.org.uk/england.htm](http://www.adviceguide.org.uk/england.htm)) for more information.

**I’ve been ‘sanctioned’- what do I do?**

If you have been sanctioned, you need to keep to your Claimant Commitment, to avoid getting another sanction.

If you are in financial hardship because of a sanction, ask the Jobcentre for an application form for Hardship Payments. Fill out this form and get it back to them as soon as possible. On the form, say as much as you can about why you cannot afford basic things like food and heating for you and your family.

Hardship Payments are 60% of the amount you have lost through being sanctioned. To get them, you need to be keeping to your Claimant Commitment. For low level sanctions, you need to do whatever you were sanctioned for failing to do before you can get Hardship Payments.

If your sanction affects more than one monthly payment of Universal Credit, you will need to reapply for Hardship Payments every month. You may have to repay any Hardship Payments you get from any future payments of Universal Credit you get.

You cannot get Hardship Payments if the low ‘daily reduction rate’ applies to you (see page 3). If you are refused Hardship Payments for any other reason, you can reapply at a later date. You can also challenge the decision to refuse you Hardship Payments by following the process on pages 6-7.

If you are in financial hardship because of a sanction, you may also be able to get food from a local food bank. For information on food banks in Tameside, check out <http://tamesidefoodbanks.madewithjam.org/>. You may need to be referred, so visit the website for more information. To can search for local computer access at [www.helpwithbenefits.org.uk/map.aspx?postcode](http://www.helpwithbenefits.org.uk/map.aspx?postcode)=.

For further information on the support available to you when you are sanctioned, check out [www.helpwithbenefits.org.uk/financialdifficulties.aspx](http://www.helpwithbenefits.org.uk/financialdifficulties.aspx)

**How do I challenge a sanction?**

When you challenge a decision to sanction you, you have to say why you disagree with it. You may disagree with the decision to sanction you, the length of the sanction, or the amount of the sanction.

If you are sanctioned because the Jobcentre wrongly says that you did not do something, you need to show evidence that you did. If you had ‘good cause’ for failing to do something, explain why, and provide evidence of this. Evidence could be copies of letters, printouts of emails, copies of your jobs diary, or the dates and times of any telephone calls.

1. **Contact the DWP**

If your Universal Credit has stopped or you got less than usual and you are unsure why, ring the DWP on 0345 600 0723 (textphone 0345 600 0743) for an explanation. You may have been sanctioned, or there may be another explanation. Remember to record the date and time of your call, and the name of the person you spoke to.

1. **Mandatory Reconsideration**

If you disagree with the DWP’s decision to sanction you, ask them to look at the decision again. This is called ‘mandatory reconsideration’. It is best to ask for a ‘mandatory reconsideration’ in writing- keep a photocopy of your letter, and get proof of postage. Explain why you disagree with the sanction (see ‘How do I challenge a sanction?’ above).

We have produced a form you can use to request a mandatory reconsideration in writing, which is available at [www.tameside.gov.uk/welfarerights/appealing/form.doc](http://www.tameside.gov.uk/welfarerights/appealing/form.doc).

You can also ask for a ‘mandatory reconsideration’ by ringing 0345 600 0723 (textphone 0345 600 0743). Record the date and time of your call, and the name of the person you spoke to.

You must ask for a ‘mandatory reconsideration’ within 1 month of the decision to sanction you. If you are doing this in writing, your letter needs to get to the DWP before the 1 month deadline. If you have missed the deadline, you may lose the right to appeal the decision, so you should get specialist advice as soon as possible.

When you ask for a ‘mandatory reconsideration’, a decision-maker may contact you to ask for further information. It is their job to decide whether to lift the sanction or not.

1. **Appeal**

Once the DWP have looked at their decision again, you will get two copies of a ‘mandatory reconsideration notice’ letter telling you whether or not they have changed their decision to sanction you.

If they have not changed their decision, you can now appeal directly to an independent tribunal, which has the power to overturn the DWP’s decision.

To appeal, you need to use form SSCS1, which is available at <http://www.justice.gov.uk/downloads/forms/tribunals/sscs/sscs1.pdf>. It is best to seek specialist advice from one of the organisations listed on the next page when completing your SSCS1 form. A guide on how to complete the form is available at <http://hmctsformfinder.justice.gov.uk/courtfinder/forms/sscs001a-eng.pdf>.

You need to send the completed SSCS1 form, along with a copy of the ‘mandatory reconsideration notice’ letter, to HM Courts & Tribunals Service. The address is given within the SSCS1 form. This needs to have been received by HM Courts & Tribunals Service within 30 days of the date on the ‘mandatory reconsideration notice’ letter. They may accept a late appeal in exceptional circumstances, but always seek specialist advice in this instance.

Your appeal is more likely to be successful if you attend a face-to-face tribunal hearing. If you wish to do this, tick the box on the form to say ‘I want to attend a hearing of my appeal’. An adviser may be able to come along with you to the hearing, or at least help you prepare for it if they cannot attend.

After the hearing, you can only appeal the tribunal’s decision if it made a mistake in how it interpreted the law. You should always get specialist advice if you are thinking about appealing a tribunal’s decision.

**Further information**

Advice Tameside [www.advicetameside.org.uk/](http://www.advicetameside.org.uk/)

Tameside MBC Welfare Rights [www.tameside.gov.uk/benefits/welfarerights](http://www.tameside.gov.uk/benefits/welfarerights)

Turn2Us [www.turn2us.org.uk](http://www.turn2us.org.uk)

Citizens Advice Bureau Adviceguide <http://www.adviceguide.org.uk/england/>

**Local advice**

For help with ‘mandatory reconsiderations’, Hardship Payments and food banks.

Tameside Citizens Advice Bureau offers information and advice on a whole range of problems at their drop-in (09:30-12:30 every weekday) at Ashton Customer Services (Tameside MBC, Council Offices, Clarence Arcade Stamford Street, Ashton-Under-Lyne, OL6 7PT).

For specialist advice, including help challenging a benefit decision:

Tameside MBC Welfare Rights Service offers telephone advice on benefits on 0800 0749985 (09:30-12:30, Mondays, Wednesdays and Thursdays). The Welfare Rights Service can provide tribunal representation, and help you prepare for your hearing.

If you are a New Charter tenant, you can get advice and help with your benefits by ringing 0161 3312200.