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# **Universal Credit Claimant Commitment: Childcare Responsibilities**

MAY 2024

## Claimant Commitment

Your Claimant Commitment should help you to understand what the DWP expect from you so you can receive your Universal Credit money. If you ever have a sanction imposed on your claim, your Claimant Commitment should also help you to understand what it is that the DWP think has gone wrong. This is why it is important that everyone who claims Universal Credit is able to agree a Claimant Commitment that properly reflects their personal circumstances. Work Coaches have a broad discretion to do this.

### What does it mean to have ‘childcare responsibilities’?

You are considered to be ‘responsible’ for a child if they normally live with you.<sup>1</sup>

### I am part of a couple and live with my partner. How do childcare responsibilities work for us?

If you claim Universal Credit as a couple both of you will need to accept a Claimant Commitment.<sup>2</sup> You will each have your own Claimant Commitment. You will need to nominate a ‘lead carer’ or ‘main carer’ who will be the one deemed to have ‘childcare responsibilities’.<sup>3</sup> DWP Guidance says that you can change the nominated lead carer once a year, or following a change of circumstance affecting who cares for the child.<sup>4</sup>

### My child spends time living at more than one home. How does that affect things?

If the child normally lives with two or more people who are not a couple (e.g. where there are shared care arrangements between separated parents) then only one person can have ‘main responsibility’.<sup>5</sup> You can nominate between you which person has ‘responsibility’ for the purpose of a Universal Credit claim. If you can’t agree, then the DWP can decide.<sup>6</sup>

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<sup>1</sup> Reg. 4(2) Universal Credit Regulations 2013.

<sup>2</sup> Section 3(2) Welfare Reform Act 2012.

<sup>3</sup> Reg. 4(5) Universal Credit Regulations 2013.

<sup>4</sup> House of Commons [deposited papers](#), [DEP2017-0556](#), ‘Work related requirements for claimants with children’, v.1, 3<sup>rd</sup> April 2017.

<sup>5</sup> Reg. 4(4) Universal Credit Regulations 2013.

<sup>6</sup> Reg. 4(4) Universal Credit Regulations 2013.

## I have childcare responsibilities. Will I be expected to apply for jobs?

This depends on how old your youngest child that you are responsible for is.<sup>7</sup> The table below sets out what is expected of you depending on the child's age:

Age of child	Work focused interview	Work preparation	Work search	Work availability
Under 1	No	No	No	No
1	Yes	No	No	No
2	Yes	Yes	No	No
3 or older	Yes	Yes	Yes	Yes

## How much time will I have to spend applying for jobs? How will this fit around my children?

The default number of 'expected hours' of work search for those who are required to do so is 35 hours a week. However, this is subject to a number of different factors.

If you are responsible for a child who has not yet reached school age, your expected number of hours of work search should be compatible with your caring responsibilities.<sup>8</sup>

If you have a child of school age, the DWP should take account of how long it takes your child to travel to and from school, and what their normal school hours are.<sup>9</sup>

However, your expected hours may be different depending on the circumstances, such as if the child has a disability.<sup>10</sup>

## How does my childcare affect the jobs I can be expected to apply for?

DWP guidance says that if your expected hours of work search are between 10 and 16 hours per week, you should not be expected to travel more than 60 minutes to work. If your expected hours of work search are up to 10 hours per week, you should not be expected to travel more than 30 minutes to work.<sup>11</sup>

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<sup>7</sup> Sections 19, 20, 21 and 22 Welfare Reform Act 2012

<sup>8</sup> Reg. 88(2)(aa) Universal Credit Regulations 2013.

<sup>9</sup> <sup>9</sup> Reg. 88(2)(b) Universal Credit Regulations 2013.

<sup>10</sup> DWP Advice for Decision-Makers, J3, para. J3058.

<sup>11</sup> DWP Advice for Decision-Makers, J3, para. J3058.

## How do I make sure that my Claimant Commitment is suitable for me?

Your Claimant Commitment can be tailored to your circumstances, and can also be reviewed and changed if needed at any time. It's important to **tell your work coach** about your children's school hours, how long it takes you to take them to school or childcare, and anything else about both yourself and looking after your children which affects how much time you have available for looking for work because of your childcare responsibilities.

## Apart from childcare, what other circumstances should be taken into account?

Anything at all that you think is relevant to your ability to meet what is expected of you in your Claimant Commitment. For example, if anyone in your household has an illness or disability, or if you have recently experienced homelessness or domestic violence. If you also have caring responsibilities for someone else, such as a disabled relative, you should also tell your Work Coach about this.

## What if there's a crisis or emergency that means I can't meet my work-related requirements?

There is a legal requirement to switch off your requirements in certain circumstances, such as for victims of domestic violence or those suffering from a bereavement.<sup>12</sup> There is a discretion to switch them off where it is unreasonable to expect you to complete your requirements, for example because of illness or childcare.<sup>13</sup> Tell your Work Coach as soon as you can if you need your requirements to be switched off. Seek advice from a welfare rights adviser or a solicitor if your request is refused.

*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/>. PLP's Benefit Sanctions project is supported by a grant from the Baring Foundation.*

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<sup>12</sup> Regs. 98 and 99 Universal Credit Regulations 2013.

<sup>13</sup> House of Commons [deposited papers\\_DEP2018-0759](#), 'Switching off WA and WRA', v.8. 2nd July 2018.



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