

# Guidance on “*The Jobseekers Allowance (Homeless Claimants) Amendment Regulations 2014*”



## **INTRODUCTION**

In September 2013 Homeless Link published research showing that homeless claimants of Jobseekers Allowance (JSA) were much more likely to face sanctions than the general JSA claimant population. Following that research, ongoing dialogue has taken place between DWP, Homeless Link and other charities to try and find ways of ensuring that sanctions are not applied inappropriately to vulnerable people. These regulations are one part of that process. Homeless Link and other charities will continue to campaign to ensure that the conditionality regime is one which assists vulnerable people into work and does not penalise them unjustly.

## **RULES FOR CLAIMING JSA**

Usually to claim JSA a claimant must be available for work. The general rules are that a claimant must be

- “Willing and able” to take up work immediately
- Available at any time of the day and on day of the week
- Prepared to take a job that would involve working for at least 40 hours per week and be prepared to work for less than 40 hours per week if required to do so

A claimant must also be actively seeking work. The job-related activity a claimant will be expected to undertake is detailed in his Claimant Commitment (CC)

## **CURRENT EASEMENT RULES <sup>1</sup>**

Under the existing rules, in certain circumstances, a claimant can be exempted from having to be available and actively seeking for work for a time period if they are dealing with a “domestic emergency” affecting them or a close friend or relative.

This is known as an “easement” of conditionality and can be granted:

- For the length of time it takes to deal with the matter but
- For only a week at a time and
- No more than four times in a year

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<sup>1</sup> Different easement rules apply for people who have recently, or who are currently experiencing domestic violence and abuse. For a homeless person in the circumstances the DVA easement should be considered first

## **HOW EASEMENT RULES ARE AMENDED BY THE NEW REGULATIONS**

For “recently homeless people” easements can now be applied:

- For longer than a week at a time.
- With no limit on the number of occasions

If a Work Coach decides a claimant’s homelessness constitutes a “domestic emergency” then he must apply an easement, so long as the claimant takes reasonable steps to find accommodation.

## **HOMELESSNESS AS A DOMESTIC EMERGENCY**

This easement is aimed at claimants who recently became homeless and the most likely groups to be covered are:

- New rough sleepers
- Those who have recently moved into direct access type hostel accommodation (see Appendix A for more details of what is meant by “direct access”)

Claimants who are experiencing other types of homelessness should have their circumstances considered on a case-by-case basis taking the following into account:

- Is the claimant experiencing a domestic emergency?
- Has the person recently become homeless?

There is no definitive guidance on what constitutes “recently” homeless and this will ultimately be up to the discretion of Work Coaches to assess on a case-by-case basis.

## **THE LENGTH OF EASEMENT**

The easement will last as long as the claimant’s circumstances constitute a domestic emergency, but generally this is not expected to be longer than four weeks. However, this will depend on how long the claimant needs to address their immediate accommodation needs. Work Coaches have discretion to extend beyond four weeks if they decide it is appropriate in the claimant’s circumstances and the domestic emergency is continuing.

## **HOW WILL THE EASEMENT WORK IN PRACTISE?**

If a recently homeless clamant is granted an easement they will not have a requirement to

- Be available for work
- Actively seeking work
- Subject to Jobseeker’s Direction
- Participate in any employment scheme, including the Work Programme

The Work Coach will agree a date of not more than a fortnight with the claimant to review the easement

### **WHAT WILL BE EXPECTED OF THE CLAIMANT?**

A claimant will be expected to take “reasonable steps” to find accommodation and these will need to be agreed with the Work Coach and recorded on the Claimant Commitment. The claimant will be expected to bring evidence of the actions he has undertaken.

Examples of the type of action and evidence which could be expected are outlined in Appendix A.

### **IF A CLAIMANT DOES NOT TAKE REASONABLE STEPS TO FIND ACCOMMODATION**

The easement is dependent on the claimant undertaking the actions agreed in his CC (or other reasonable steps) to find accommodation and bringing back evidence of this.

If the claimant does not take reasonable steps to find accommodation, or provide evidence that he has done so, his easement will be withdrawn. In this circumstance, the usual JSA rules will apply and he will be expected to provide evidence of work-search activity for the period in which the easement was originally granted.<sup>2</sup>

### **Further Information**

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#### **Link To The Regulations -**

<http://www.legislation.gov.uk/uksi/2014/1623/contents/made>

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<sup>2</sup> Work-related activity will have been specified in the CC but only to be applied if the easement is withdrawn or when it comes to an end

## **APPENDIX 1 - Q&A**

### **1) When Do the New Regulations Apply From?**

The regulations start on the 21<sup>st</sup> July 2014

### **2) What About Universal Credit (UC) Claimants?**

The vast majority of current UC claimants are in the job seeking group although it is unlikely that many would be homeless. However, the discretion contained within these regulations already effectively exists within UC so can be used where appropriate

### **3) Can The Easement Be Applied To People On The Work Programme?**

Yes, and on any other work-related programme

### **4) Why Do These Regulations Only Apply To Newly Homeless People?**

Homeless Link is aware that homelessness is a multi-layered issue which affects a huge variety of people and would obviously like the new regulations to cover more people. However, as the easement is granted on the grounds of “domestic emergency” it needs to be based upon an acute change in a claimant’s life which suddenly makes it much harder for him to obtain work.

### **5) Isn’t It Unrealistic To Usually Only Give People Four Weeks Easement?**

This easement is focused upon the accommodation aspect of homelessness. It is about the immediacy of a person not having somewhere to live rather than addressing all their support needs. It chimes with aspects of the No Second Night Out approach in trying to address peoples’ housing needs as quickly as possible. St Mungo’s Broadway’s latest figures showed that two-thirds of rough sleepers in London were new to the streets and 11% were returners who had spent a considerable time away from rough sleepers. These are the kind of people likely to benefit from this easement

However, there is exceptional provision within the regulations for the easement to go beyond four weeks, dependent upon the Work Coach considering the situation to still be an emergency and the claimant to still be recently homeless.

### **6) Are Homeless People Being Forced To Search For Accommodation? Is This An Extension Of Conditionality?**

No, because if a person decides not to take steps to seek accommodation they default back to the job-search activity which they would have to undertake to receive JSA anyway. There is no sanction for simply not taking steps to seek accommodation.

### **7) What Constitutes “Reasonable Steps To Find Accommodation”?**

These will depend on individual circumstances and what is agreed between the claimant and the Work Coach. But examples of actions could include:

- Registration with Local Authority as homeless
- Visiting or making an appointment with the Local Authority housing department to request advice and assistance
- Registration with agency supporting homeless people
- Registration with services offering emergency accommodation
- Making an application to a scheme that supports access to private rented accommodation
- Visiting a homelessness day centre to request support
- Visiting a local advice centre to request support
- Meeting with the local street outreach team to request support
- Requesting support offered from a hostel
- Looking at accommodation pages of local newspapers
- Contact a local Rental in Advance scheme

### **What Constitutes “Evidence of Accommodation Search Activity”?**

Again this will depend on individual circumstances but the sort of evidence a claimant might be expected to produce include:

- Registration letters/information issued by support agencies to the claimant
- Confirmation of application to scheme to support access to private rented accommodation
- Confirmation of an application to Rental in Advance scheme
- A copy of the licence or tenancy agreement if the claimant has moved into a hostel
- An appointment letter or card;
- A letter describing the support that an agency will give to the claimant

### **What Constitutes Rough Sleeping?**

The official definition of rough sleepers is:

*“People sleeping, about to bed down (sitting on/in or standing next to their bedding) or actually bedded down in the open air (such as on the streets, in tents, doorways, parks, bus shelters or encampments). People in buildings or other places not designed for habitation (such as stairwells, barns, sheds, car parks, cars, derelict boats, stations, or “bashes”). “*

### **What Constitutes A Direct Access (or Quick Access) Hostel**

There is no official definition of a direct access hostel but its characteristics could include:

- It is usually for single people or childless couples who are homeless;
- People can move in immediately if vacancies are available;
- It is intended to be short-stay and not a permanent home;
- There is 24 hour waking staff or sleep-in cover;
- It is usually managed by a charity, housing association or Local Authority;
- vacancies are frequent

**How Will We Know If The Regulations Are Making A Difference?**

By liaising informally with member agencies, Homeless Link hopes to assess whether the new easement regulations are working. We will look to undertake research later in the year to see if they are making a positive difference.

**Have Homeless People Have Been Consulted In The Development Of This Easement?**

Homeless Link's Expert Panel made up of current and former users of homeless services have provided invaluable insight and advice in the development of this easement proposal

**APPENDIX 2 - FLOWCHART**

