

Guidance Notes for Claimants and Intermediaries:

Protection under the Equality Act 2010

This law recognises that adjustments (changes) may need to be made in certain areas to help people with disabilities overcome barriers that are not faced by people who are not disabled. This is known as the duty to make 'reasonable adjustments'

You don't have to qualify for a disability benefit to be 'disabled'

You are treated as disabled if you have a physical or mental Impairment that has a **substantial** and **long term** negative effect on your ability to do **normal daily activities** for example diabetes or dyslexia.

Substantial - more than minor or trivial. For example, it takes much longer than usual to complete a daily task like getting dressed.

Long term – the condition has lasted or will last 12 months or more. For example, a breathing condition that develops as a result of a lung infection.

Normal daily activities – things that people do regularly. For example, shopping, reading and writing, using the phone, watching television, washing and dressing, preparing and eating food, housework, walking and travelling or taking part in social activities.

There are special rules about recurring or fluctuating conditions, for example, arthritis. In addition, you automatically meet the disability definition under the Equality Act 2010 from the day you're diagnosed with HIV infection, cancer or multiple sclerosis.

Some conditions aren't covered by the disability definition. These include addiction to non-prescribed drugs or alcohol.

This leaflet is a brief summary of the law and rules. For full advice please seek specialist advice at either Citizens Advice Ipswich, the Ipswich & Suffolk Council for Racial Equality (ISCRE) or the Ipswich Disabled Advice Bureau (DAB).

Contact :

Citizens Advice Ipswich: 01473 298 633

ISCRE: 01473 408 111

Ipswich Disabled Advice Bureau: 01473 217313

Quoting '3Ds UC Project'

Ipswich & Suffolk Council for Racial Equality

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Ipswich

Suffolk

IP1 3EP

01473 408111

Registered Charity Number: 1055386

Company Registration Number: 4616709



Citizens Advice Ipswich

19 Tower Street

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3Ds Project

Disability + Disadvantage = Duty

Claiming Universal Credit?

Long term sick or disabled?

What you need to know before signing your Claimant Commitment



Please contact us if you require this leaflet in another format

Signing a Claimant Commitment (CC) when claiming Universal Credit (UC) means you are agreeing to take certain actions in return for your benefits. If you fail to do so, the Jobcentre Plus may stop your benefits – this is called being ‘sanctioned’ and can last up to three years.

In providing its services, the Jobcentre Plus has a legal duty to help people who have a disability (including many with a long term illness) overcome difficulties. This is known as the duty to make ‘**reasonable adjustments**’ under the Equality Act 2010. If you do have difficulties during the claiming process for UC or meeting the requirements because of a relevant health condition (see guidance notes), **it is very important to tell your Work Coach**. You can tell them how your long term illness or disability restricts work related activities and **have this written down in your CC**. You can use the examples on the next page to help you.

If the JCP fails to make reasonable adjustments, it amounts to unlawful discrimination. You may be able to bring a legal case in the County Court and you should seek legal advice. Legal Aid is still available for discrimination cases by calling the Legal Aid Gateway on 0345 345 4345 but don’t delay because there is a six month time limit. In addition, any sanction can be appealed.

Examples of Reasonable Adjustments that you could ask for, if you need them because of your disability:

- Placing a ‘**vulnerable customer safeguarding marker**’* on the DWP computer system
- Altering the time or frequency of Work Focused Reviews
- Reducing the time required for job searching each week
- Part time work
- Help with completing forms and/or using a computer
- Availability restrictions
- Changing the type or location of work
- Help with referral to a disability employment adviser
- Not referring you to a **Mandatory Work Activity****
- Referring you to the **Access to Work** programme***
- Varying or limiting types of work according to disability
- Provide an alternative contact to the Service Centre phone number e.g. transport allowance or videolink
- A cap on expected earnings
- Personal Budgeting Support and Alternative Payment Arrangements

***Vulnerable customers**: people with a physical or mental disability, a learning disability or a condition affecting cognition including autism or drug/alcohol dependency. DWP benefit safeguards are designed to ensure that these customers are given extra consideration before any decision is taken to stop or sanction their benefits.

****Mandatory Work Activity**: a Government programme making individuals undertake work in return for their benefit payments.

*****Access to Work**: a Government scheme for disabled workers paying for certain reasonable adjustments such as equipment, support worker or travelling to work.

Tear off Form to complete (please make a copy and keep in a safe place)

Today’s Date:

Name:

National Insurance Number:

I have been advised that, as a disabled person under the Equality Act 2010, you have a legal duty to make reasonable adjustments to my Claimant Commitment.

My disability/health condition is:

.....

The substantial problem(s) affecting my day to day activities is/are:

.....

.....

.....

I need the following reasonable adjustments:

.....

.....

Please mark me as a vulnerable customer for DWP benefit safeguards

Please refer me to a Disability Employment Adviser

Please refer me to Access to Work

Please ensure any interview meets my access requirements