

Mandatory Work Activity – Equality Impact Assessment

Employment Group

March 2011

Equality impact assessment for Mandatory Work Activity

Introduction

1. The Department for Work and Pensions has conducted the following equality impact assessment for the proposed Mandatory Work Activity, assessing the proposal in line with the current public sector equality duties.
2. The equality impact assessment will ensure that:
 - The Department's strategies, policies and services are free from discrimination;
 - The Department complies with current equality legislation;
 - Due regard is given to equality in decision making and subsequent processes; and
 - Opportunities for promoting equality are identified.
3. The equality impact assessment considers the impact of Mandatory Work Activity in terms of age, disability, gender, gender reassignment, race, religion or belief, maternity and geographical area.

Brief outline of the policy or service

4. The support that Jobcentre Plus delivers to customers across all working age benefits (Jobseekers Allowance, Employment and Support Allowance and Income Support) is changing from April 2011.
5. This change will give more flexibility to Jobcentre Plus managers and advisers to judge which interventions will help individual customers most cost effectively, choosing from a menu of support to help customers according to their individual needs, rather than focussing on process. Included in this menu of support is Mandatory Work Activity.
6. Jobcentre Plus advisers have identified a small number of Jobseeker's Allowance customers who have little or no understanding of what behaviours are required to obtain and keep work.

7. Mandatory Work Activity is being introduced from April 2011 to address the barriers to obtaining and retaining work demonstrated by this group. The aim is to help customers discover for themselves the expectations of work including: attending on time and every day, following instructions, and working in teams. Advisers will be able to require that a customer takes part in the programme, encouraging customers to develop the crucial disciplines associated with employment, while at the same time making a contribution to their community.
8. With all referrals to Mandatory Work Activity, there are certain safeguards to ensure that the referral is appropriate. Guidance issued to Jobcentre Plus Advisers will set out what factors should be considered when making a referral. As an additional safeguard, it will form part of our 'best practice' guidance that once a Personal Adviser has identified that a customer may be suitable for Mandatory Work Activity, they will be encouraged to discuss the appropriateness of the referral with their Adviser Manager. This meeting will discuss their reasons for referring this customer, and the Adviser Manager will take the decision whether to approve the referral.
9. Customers will be required to participate in placements for up to 30 hours a week, for 4 weeks.
10. Mandatory Work Activity will be delivered by contracted specialist back to work providers. Only a small number of customers will be referred to Mandatory Work Activity; providers are expected to deliver around 10,000 places annually.
11. Referrals to Mandatory Work Activity can be made at any point of a claim when the customer is supported by Jobcentre Plus, but it is expected that Mandatory Work Activity participants will normally have been claiming Jobseeker's Allowance for 13 weeks or more.
12. Participation on Mandatory Work Activity will be compulsory and customers who fail to participate/fail to complete/or lose a place due to misconduct will be sanctioned for 13 weeks. A second failure in a 12 month period will lead to a 26 week sanction.
13. While customers are undertaking a Mandatory Work Activity, they will continue to be subject to the conditions of receiving Jobseeker's Allowance i.e. jobseekers will be expected to take steps to actively seek employment, and to be available to take up employment if they find it.
14. Jobseekers will continue to have to demonstrate this when attending Fortnightly Job search Reviews during their Mandatory Work Activity. They will also remain subject to the usual sanctions for a breach of either of these

conditions, even if they continue to attend and participate fully in their Mandatory Work Activity.

15. The nature of activities to be undertaken will need to accommodate any recognised restrictions a customer has, such as due to disability or a restriction on the hours a customer can participate. Jobcentre Plus will notify delivery organisations of such restriction, although this will not necessitate sharing a customer's Jobseeker's Agreement. Placements will not be sourced in areas of work where a CRB check is required.
16. Jobcentre Plus will be responsible for identifying and referring those customers who would most benefit from the support offered through Mandatory Work Activity. The Department will provide clear guidance to advisers on referrals, and will closely monitor the characteristics of customers referred to Mandatory Work Activity.

Legislation

17. Regulations to allow the delivery of Mandatory Work Activity (*The Jobseeker's Allowance (Mandatory Work Activity Scheme) Regulations 2011*) are being introduced. These are made under Section 17A of the Jobseeker's Act 1995.

Consultation and involvement

18. The Mandatory Work Activity Scheme was announced in the Department for Work and Pensions White Paper, *Universal Credit: welfare that works* (November 2010)¹. In response to the publication of the White Paper, the Department received feedback from several organisations. This, and other feedback the Department has received (including the report of the Social Security Advisory Committee), has been used to inform the development of Mandatory Work Activity.
19. The need for the introduction of the Mandatory Work Activity programme was identified by Jobcentre Plus advisers. They raised this both through internal staff consultation exercises and anecdotally, making it clear that they felt it would be useful for them to be able to mandate customers to a short period of work or work-related activity to help some customers re-engage with the system, refocus their approach to job search and gain valuable work-related skills and disciplines. Additionally, the high-level principles of the proposed scheme were discussed at an early stage with over 60 organisations face to face, as part of consultation meetings on the Work Programme and the wider *Get Britain Working* measures. These

¹ Copies of this White Paper can be found at <http://www.dwp.gov.uk/policy/welfare-reform/legislation-and-key-documents/universal-credit/>

groups included: customer representative groups; providers; think tanks and lobby groups.

20. An Explanatory Memorandum setting out the policy design was presented to the Social Security Advisory Committee. The Committee carried out a public consultation before issuing a report to the Secretary of State for Work and Pensions.
21. The Committee's report articulates a number of views, opinions and concerns about Mandatory Work Activity. The Government does not accept the Committee's key recommendation that this scheme should not be introduced. The Government believe that mandatory work activity will have a positive impact on customers who participate and that this is the right approach to take to help customers who need this type of experience and motivation to enable them to be better equipped to find employment.
22. In addition, the Committee made a number of recommendations which have influenced and enhanced the development and delivery of the programme. The Secretary of State has considered the issues raised in the report, and has responded in writing. Of the Committee's eighteen recommendations, the Government has accepted, partially accepted or noted eleven of these. The Secretary of State's response includes a detailed response to the Committee's recommendations.²
23. Representatives of the Scottish and Welsh Governments were formally advised of the detail of the Regulations on 17 December 2010.
24. We have drawn on information from a number of sources to help influence policy development.³

Impact of Mandatory Work Activity

25. To explore the equality impacts of Mandatory Work Activity the characteristics of the following customers have been compared:
 - Customers whose advisers have raised doubts as to whether they are actively seeking employment, but who did not receive a sanction. Technically this group of customers have been referred for a disentanglement decision for not actively seeking employment and have

2 A copy of both the Committee's report and the Department's response can be found at <http://www.official-documents.gov.uk/menu/other2011.htm>

3 'Mandating Intensive Activity Period for jobseekers aged 50+: final report of the quantitative evaluation', R. Dorsett and D. Smeaton (Department for Work and Pensions, Research Report No. 500)

received a favourable decision.⁴ We have selected this group because these customers initially appeared to be failing to meet the requirement to actively seek employment, and therefore subject to sanction. However, after further assessment they have been deemed to be meeting their requirements and instead required further support to find employment. Customers in this position, who require support to re-engage with the system and refocus their job search, may be similar to the customers likely to be referred to Mandatory Work Activity;

- Customers making a new claim for Jobseeker's Allowance.⁵
- Claims lasting three months or less;
- Claims lasting between six and 12 months; and
- Claims lasting longer than 12 months.

26. Customers whose adviser has raised a doubt about whether they are actively seeking work have been used as a proxy group for Mandatory Work Activity participants because it is likely that advisers could identify that these customers could benefit most from Mandatory Work Activity. Hereafter this group is referred to as the 'Mandatory Work Activity proxy group'.

27. We have compared this proxy group against the characteristics of customers who have been claiming Jobseeker's Allowance for three, six and twelve months to identify if there is a risk that some customer groups within the eligible population for Mandatory Work Activity could be more impacted than others.

Age

28. The table below shows the age distribution for new claims, three and six month claims, and the Mandatory Work Activity proxy group. The statistics indicate that a smaller proportion of young people are in the Mandatory Work Activity proxy group compared with the proportion of young people making a new claim for Jobseeker's Allowance. This indicates that young people are less likely to be affected by Mandatory Work Activity.

29. Relatively more jobseekers aged 25 and over are in the Mandatory Work Activity proxy group than reach three, six or 12 months unemployed. Customers aged 18-24 leave benefit faster than those over the age of 25; therefore more customers in the older age groups are likely to be on benefit at later durations where referral to Mandatory Work Activity is more likely.

4 Source: DWP Tabulation Tool. Customers referred for disentanglement for not actively seeking employment who received a favourable decision since 2000.

5 Source: National Benefits Database & LMS Client evaluation database. Characteristics of new Jobseeker's Allowance claimant from April 2000 to March 2010.

Table 1: Age⁶

	Age		
	18 to 24	25 to 49	50+
Mandatory Work Activity proxy group⁷	26%	59%	14%
New claims	30%	49%	13%
Claims 3 months or less	33%	47%	12%
Claims lasting 3-6 months	29%	49%	14%
Claims lasting 6-12 months	33%	44%	12%
Claims lasting 12 months and over	12%	68%	18%

Source: characteristics of claimants starting in 08/09 broken down by the claim length.

30. Compared to new claimants, customers referred to Mandatory Work Activity are more likely to come from the 25 – 49 age group. However, customers will be referred to Mandatory Work Activity regardless of age – referrals will be made on the basis of suitability for the scheme. The Department will introduce clear guidance to advisers on referrals, and will monitor the characteristics of customers referred to Mandatory Work Activity compared to the overall population of Jobseeker's Allowance customers.
31. Overall we expect customers to benefit from participation on Mandatory Work Activity through building their basic work skills.

Disability

32. The table below shows the disability status for new claims, three and six month claims, and customers in the Mandatory Work Activity proxy group.
33. The table below shows that a higher proportion of disabled customers are in the Mandatory Work Activity proxy group compared with the proportion of disabled customers making a new claim for Jobseeker's Allowance. Many disabled customers have greater barriers to work and so leave benefit at a slightly slower rate as a group; the likelihood of being referred to Mandatory Work Activity also increases with duration on benefit as the policy is targeted at helping claimants who are struggling to make the transition into work.

⁶ Rows may not sum to 100% because 16 and 17 year olds have not been included as they are only able to claim Server Hardship Allowance / Jobseeker's Allowance in particular circumstances.

⁷ Source: DWP Tabulation Tool. Customers referred for disentanglement for not actively seeking employment who received a favourable decision since 2000.

Table 2: Disability

	Disability status			
	unknown	not disabled	disabled	TOTAL
Mandatory Work Activity proxy group ⁸	0%	73%	27%	100%
New claims	2%	81%	18%	100%
Claims 3 months or less	2%	83%	16%	100%
Claims lasting 3-6 months	2%	80%	18%	100%
Claims lasting 6-12 months	2%	79%	20%	100%
Claims lasting 12 months and over	1%	72%	27%	100%

Source: characteristics of claimants starting in 08/09 broken down by the claim length.

34. Compared to new claimants, customers referred to Mandatory Work Activity are more likely to have a disability. However, customers will be referred to Mandatory Work Activity regardless of disability – referrals will be made on the basis of suitability for the scheme. The Department will introduce clear guidance to advisers on referrals, and will monitor the characteristics of customers referred to Mandatory Work Activity compared to the overall population of Jobseeker’s Allowance customers.

35. To ensure that Mandatory Work Activity is targeted at those who will benefit the greatest, guidance will set out that advisers should consider whether a Mandatory Work Activity is appropriate depending on the needs of the customer, and that advisers should ensure that Mandatory Work Activity is the right support for participants.

36. In addition, as part of the contract process with providers the Department will expect suppliers to meet their duties under the Equality Act 2010. Providers will also pay for any reasonable adjustments to enable customers to take up a Mandatory Work Activity placement.

37. Overall we expect customers to benefit from participation on Mandatory Work Activity through building their basic work skills.

⁸ Source: DWP Tabulation Tool. Customers referred for disentanglement for not actively seeking employment who received a favourable decision since 2000.

Ethnicity

38. The table below shows the ethnicity for new claims, three and six month claims, and the proxy Mandatory Work Activity group.

Table 3: Ethnicity

	Ethnicity							TOTAL
	Unknown	White	Black	Asian	Other	Pakistani	Mixed	
Mandatory Work Activity proxy group⁹	0%	74%	10%	11%	4%	N/A	2%	
New claims	2%	81%	4%	5%	2%	5%	2%	100%
Claims 3 months or less	2%	82%	4%	4%	1%	5%	2%	100%
Claims lasting 3-6 months	2%	80%	5%	5%	2%	5%	2%	100%
Claims lasting 6-12 months	2%	80%	5%	6%	2%	5%	2%	100%
Claims lasting 12 months and over	2%	78%	6%	5%	2%	5%	1%	100%

Source: characteristics of claimants starting in 08/09 broken down by the claim length.

39. Compared to new claimants, customers referred to Mandatory Work Activity are more likely to come from an ethnic minority group. However, customers will be referred to Mandatory Work Activity regardless of ethnicity – referrals will be made on the basis of suitability for the scheme. The Department will introduce clear guidance to advisers on referrals, and will monitor the characteristics of customers referred to Mandatory Work Activity compared to the overall population of Jobseeker's Allowance customers.

40. To ensure that Mandatory Work Activity is targeted at those who will benefit the greatest, guidance to Personal Advisers directing them to refer customers to Mandatory Work Activity who are most likely to benefit from it. If proportionally more ethnic minorities are referred this could help to promote a greater equality of outcome from the overall support that Jobcentre Plus offers to customers

41. However, overall we expect participants to benefit from participation in Mandatory Work Activity.

⁹ Source: DWP Tabulation Tool. Customers referred for disentanglement for not actively seeking employment who received a favourable decision since 2000. Unknown ethnicities are assumed to follow the same distribution as known ethnicities.

Gender

42. The table below shows the gender for new claims, three and six month claims, and the Mandatory Work Activity proxy group.
43. A higher proportion of males claim Jobseeker's Allowance compared with females and a relatively larger proportion of males are in the Mandatory Work Activity proxy group.

Table 4: Gender

	Gender			
	Unknown	Female	Male	TOTAL
Mandatory Work Activity proxy group ¹⁰	0%	24%	76%	100%
New claims	2%	28%	70%	100%
Claims 3 months or less	2%	30%	68%	100%
Claims lasting 3-6 months	2%	29%	70%	100%
Claims lasting 6-12 months	2%	26%	73%	100%
Claims lasting 12 months and over	1%	20%	78%	100%

Source: characteristics of claimants starting in 08/09 broken down by the claim length.

44. Compared to new claimants, customers referred to Mandatory Work Activity are more likely to be male. However, customers will be referred to Mandatory Work Activity regardless of their gender, and we expect Mandatory Work Activity to benefit customers in finding employment. The Department will issue guidance to advisers on referrals, ensuring that all referrals are made on the basis of suitability for the scheme.

Gender Re-assignment and Sexual Orientation

45. The Department does not currently collect data on customers who have undergone gender re-assignment or on their sexual orientation.
46. All participants on Mandatory Work Activity will be treated fairly and equally regardless of their gender or sexual orientation. The Department will clearly communicate to advisers that all referrals are made on the basis of

¹⁰ Source: DWP Tabulation Tool. Customers referred for disentanglement for not actively seeking employment who received a favourable decision since 2000.

suitability for the scheme. We therefore do not believe there will be a significant impact on these protected groups.

Religion or Belief

47. The Department does not currently collect data on religion or religious belief.
48. All participants on Mandatory Work Activity will be treated fairly and equally regardless of their religion or beliefs. They will not be asked to undertake any activity which goes against their beliefs and allowances will be made wherever possible to reflect religious holidays and practices. We therefore do not expect any significant impacts from introducing Mandatory Work Activity on customers by religion or belief.

Maternity

49. No data is available to assess if Mandatory Work Activity will have an equality impact relating to pregnancy and maternity. However, it is not anticipated that pregnancy and maternity will affect customers' eligibility or take-up because advisers and mentors will offer support tailored to the individual.

Monitoring and evaluation

50. The Department will ensure it captures vital information including the number of customers referred, the numbers completed, alongside the characteristics of those referred and information on those who don't attend or complete Mandatory Work Activity. Through the careful monitoring of these characteristics, the Department will seek to monitor the impact of this policy on protected groups.
51. The Department for Work and Pensions are preparing a detailed evaluation strategy which will include qualitative research with customers to gather their feedback on the policy.
52. The key evaluation questions for the evaluation of Mandatory Work Activity are:
 - (a) How is Mandatory Work Activity being implemented and what is advisers' and customers' feedback on the delivery and effect of the policy?
 - (b) What is the provider feedback on the delivery and impact of Mandatory Work Activity?
 - (c) What is the qualitative evidence against the critical success factors of increasing customer engagement, labour market discipline, job-

search activity and compliance with the Jobseeker's Allowance regime?

- (d) How well has the policy met its critical success factor of increasing off-flow outcomes for participants
- (e) Are there any impacts from Mandatory Work Activity on other hard outcomes (employment rates and sanction referral rates) post participation?

Conclusion

- 53. The introduction of Mandatory Work Activity will enable advisers to offer further support to small groups of customers who have little recent experience of employment, and little or no understanding of what behaviours are required to obtain and keep work.
- 54. Mandatory Work Activity is being introduced from April 2011 to address the barriers to obtaining and retaining work demonstrated by this group.
- 55. Mandatory Work Activity will offer customers the opportunity to engage in the system and help improve their skills and experience.
- 56. Mandatory Work Activity is not being targeted at specific groups and is potentially available to any Jobseeker's Allowance customer. The Department will monitor the impact of Mandatory Work Activity on different groups.

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