

# ADM Chapter K5: low level sanctions

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# Introduction K5001 - K5009

## Introduction

K5001 This Chapter should be read with [ADM Chapter K1](#) (Sanctions – general principles), which gives guidance on the

1. meaning of terms
2. what general considerations apply when determining whether a sanction applies
3. the compliance condition
4. the public law principles of fairness including the
  - 4.1 prior information requirement
  - 4.2 burden of proof **and**
  - 4.3 notification of requirements.

**Note:** See ADM Chapter [K2](#) for guidance on Good reason, ADM Chapter [K8](#) for guidance on when the reduction has effect, and Chapter [K9](#) for guidance on the amount of the reduction.

K5002 A low-level sanction is a reduction of an award of UC for a sanctionable failure by a claimant<sup>1</sup> who

1. falls within specified work-related requirements groups<sup>2</sup> - see [K5010](#) **and**
2. fails for no good reason to comply with specified work-related requirements<sup>3</sup> - see K5015.

See ADM Chapter [J2](#) for guidance on work-related requirements groups, and Chapter [J3](#) for guidance on work-related requirements. See Chapter [K1](#) (Sanctions - general principles) for the meaning of a sanctionable failure and meaning of current sanctionable failure and ADM Chapter [K2](#) for guidance on good reason.

**Note 1:** All low-level sanctionable failures limit imposing a sanction on claimants that fail to comply for no good reason with work-related or connected requirements. See further guidance in ADM Chapter [K1](#) (Sanctions - general principles).

**Note 2:** Conditionality and sanctions cannot be imposed on a claimant when there is no entitlement to UC (see further guidance in [ADM Chapter K1](#)).

1 [WR Act 12, s 27](#); [UC Regs, reg 104\(1\)](#); 2 [WR Act 12, s 21](#) or [22](#); 3 s [15\(1\)](#), [16\(1\)](#), [17\(1\)\(b\)](#) & [23\(1\), \(3\) & \(4\)](#)

K5003 The low-level reduction period is in two parts:

**1.** an open period which ends as in K5020 **1.** or K5025 **1.**<sup>1</sup>**and**

**2.** where the claimant is aged

**2.1** 18 or over, a fixed period of 7, 14 or 28 days<sup>2</sup> (see K5020 **2.**) **or**

**2.2** 16 or 17, a fixed period of 7 days, but **only** if there was a previous sanctionable failure which resulted in a low-level sanction<sup>3</sup> (see K5205 **2.**).

1 [UC Regs, reg 104\(2\)\(a\) & \(3\)\(a\)](#); 2 [reg 104\(2\)\(b\)](#); 3 [reg 104\(3\)\(b\)](#)

K5004 The length of the fixed period reduction in K5003 **2.1** depends on whether there have been previous sanctionable failures resulting in a low-level sanction. See K5020 et seq for further details.

K5005 – K5009

# When does a low-level sanction apply K5010 - K5019

[Which work-related groups are subject to low-level sanctions](#) K5010 - K5014

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## Which work-related groups are subject to low-level sanctions

K5010 Claimants in the

1. Wfl and work preparation only group<sup>1</sup>**or**
2. all work-related requirements group<sup>2</sup>

who fail for no good reason to comply with the work-related requirements in [K5015](#) are subject to a low-level sanction<sup>3</sup>. See [ADM Chapter J2](#) for guidance on work-related requirements groups and [ADM Chapter K2](#) for guidance on good reason.

1 [WR Act 12, s 21](#); 2 [s 22](#); 3 [UC Regs, reg 104\(1\)\(a\)](#)

K5011 – K5014

## Which work-related requirement failures are subject to low-level sanctions

K5015 Low-level sanctions apply where the claimant fails for no good reason to comply with<sup>1</sup>

1. a Wfl requirement<sup>2</sup>**or**
2. a work preparation requirement<sup>3</sup>**or**
3. a work search requirement – but **only** in relation to a requirement to take particular action specified by the Secretary of State<sup>4</sup>**or**
4. a requirement to
  - 4.1 take part in an interview about the imposition of or compliance with a work-related requirement<sup>5</sup> **or**

**4.2** provide information or evidence of compliance with a work-related requirement<sup>6</sup> **or**

**4.3** report changes of circumstances relevant to the imposition of or compliance with a work-related requirement<sup>7</sup> (see further guidance at [K5151](#)).

**Note 1:** See [ADM Chapter J3](#) for detailed guidance on work-related and work preparation requirements.

**Note 2:** See [K5051](#) et seq for further details where the work preparation requirement is to participate in an employment programme or a work placement (other than MWA). See guidance at [K5121](#) where the work preparation requirement is to participate in work experience. See guidance in [K5321](#) for guidance on failing to participate (includes attend) in an interview (other than the initial interview).

1 [UC Regs, reg 104\(1\)\(b\)](#); 2 [WR Act 12, s 15\(1\)](#); 3 [s 16\(1\)](#); 4 [s 17\(1\)\(b\)](#); 5 [s 23\(1\)](#); 6 [s 23\(3\)](#); 7 [s 23\(4\)](#)

## Imposition of requirements

K5016 For guidance as to when and how a

**1.** work preparation requirement<sup>1</sup> **or**

**2.** connected requirement<sup>2</sup> (participating in an interview)

is imposed by the Secretary of State see [ADM Chapter J3](#) (Work-related requirements).

**Note 1:** When imposing any work-related requirement the Secretary of State **must** have validly imposed the requirement in accordance with the public law principles of fairness as established in case law<sup>3</sup>. See [K5017](#) and [ADM Chapter K1](#) for further guidance.

**Note 2:** See guidance at [K5121](#) et seq where the work preparation requirement is to apply for, attend or take part in work experience. See guidance at [K5051](#) et seq for guidance on employment schemes. See guidance in [K5321](#) for guidance on failing to participate (includes attend) in an interview (other than the initial interview).

1 [WR Act 12, s 16](#); 2 [s 23](#); 3 *R (Reilly) v SSWP [2014] AC 453 & R (Reilly 2) v SSWP [2016] ECWA Civ 413*

K5017 Whatever is required of a claimant in their responsibilities, the Secretary of State has to be able to produce evidence to support that the claimant was adequately informed of the

**1.** specific requirement **and**

**2.** consequences of failing to comply

if a sanction is to be imposed.

**Note 1:** The DM has to be satisfied that there is a sanctionable failure, that the public law principles of

fairness<sup>1</sup> have been met to validly impose a requirement and the claimant has been adequately notified of the specific requirement and the consequences of failing to comply (see further guidance in [ADM Chapter K1 \(Sanctions – General principles\)](#)). Only then will the DM consider whether the claimant can show good reason for the failure and whether a sanction applies (see [ADM Chapter K2 – Good reason](#)).

**Note 2:** Providers of certain employment schemes can be authorised persons under relevant legislation<sup>2</sup> to act on behalf of the Secretary of State (see [K5054](#) and further guidance on delegating and contracting out functions in [ADM Chapter K1\(Sanctions - General principles\)](#)).

1 R (Reilly) v SSWP [2014] AC 453; R (Reilly 2) v SSWP [2016] ECWA Civ 413 ; 2 [WR Act 12, s 29](#)

K5018 – K5019

# What is the reduction period K5020 - K5050

[Claimant aged 18 or over](#) K5020 - K5024

[Claimant aged 16 or 17](#) K5025 - K5050

## Claimant aged 18 or over

K5020 Where the claimant is aged 18 or over on the date of the sanctionable failure, the reduction period is the total of<sup>1</sup>

**1.** the number of days beginning with the date of the sanctionable failure and ending with

**1.1** the day before the day on which the claimant meets a compliance condition specified by the Secretary of State **or**

**1.2** the day before the day on which the claimant falls into the “no work-related requirements” group<sup>2</sup>**or**

**1.3** in the case of a work preparation requirement, the day before the day on which the claimant is no longer required to take specified action<sup>3</sup>**or**

**1.4** the date on which the award terminates (other than because the claimant ceases to be, or becomes, a member of a couple)

whichever is soonest **and**

**2.** a fixed period of

**2.1** 7 days where there has not been a previous low-level sanctionable failure within 365 days, but not 14 days, of the date of the current sanctionable failure **or**

**2.2** 14 days if, within 365 days, but not 14 days, of the date of the current sanctionable failure, there was another low-level sanctionable failure for which a 7 day reduction was imposed **or**

**2.3** 28 days if, within 365 days, but not 14 days, of the date of the current sanctionable failure, there was another low-level sanctionable failure for which a 14 day or 28 day reduction was imposed.

**Note 1:** See [ADM Chapter K1 \(Sanctions – general principles\)](#) for the meaning of compliance condition, and [ADM Chapter K8](#) (When a reduction is to have effect) for guidance on when the reduction begins

where there is more than one sanctionable failure.

**Note 2:** For each low-level sanctionable failure the DM will consider whether a sanction applies. There is no discretion not to impose a sanction where the conditions to sanction apply. For each sanction doubt referral there must be a sanction decision and an outcome notified to the claimant. Wherever the claimant fails to comply then a low-level sanction decision has to be made and a sanction applied if appropriate. This means where there are multiple failures more than one open-ended period can be running at the same time for the same period (see further guidance in [ADM Chapter K1 \(Sanctions – General principles\)](#)).

1 [UC Regs, reg 104\(2\)](#); 2 [WR Act 12, s 19](#); 3 [s 16](#)

K5021 This means

**1.** a failure **must** be within 365 days of the previous most recent sanctionable failure in order to escalate to the next penalty **and**

**2.** where there are two low-level sanctionable failures within 14 days of each other, a sanction will be imposed for each failure, but the duration of the second sanction will not escalate but remain at the same duration as the previous sanction.

**Note:** The DM considers whether there has been another sanctionable failure within 14 days or 365 days of the date of the current sanctionable failure in question.

K5022 A sanctionable failure which

**1.** is within 14 days of the current sanctionable failure under consideration<sup>1</sup> (see [ADM Chapter K1](#)) **or**

**2.** resulted in a reduction at a different level **or**

**3.** was imposed for a sanctionable failure as in [K5020](#) (claimant aged 16 or 17)

does not count for the purposes of calculating which period in [K5025](#) applies.

1 [UC Regs, reg 101\(4\)](#)

### Example 1

**Jamie has multiple low-level sanctionable failures as per the table below:**

Dates of the low-level sanctionable failures	Period between current low-level	Duration of sanction
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	<b>sanctionable failure &amp; most recent previous sanctionable low-level failure</b>	
29.7.16 – Jamie fails to participate in an interview with his Wp provider without a good reason	None	<p><b>10 days</b> - this is Jamie’s first low-level sanctionable failure. His compliance requirement is to arrange and attend an interview with his provider. He contacts the provider on 1.8.16 and arranges an appointment which he attends on 4.8.16.</p> <p>A 10 day reduction period applies – a 3 day open ended sanction from 29.7.16 to 31.7.16 plus a 7 day fixed period sanction.</p>
3.8.16 – Jamie fails to attend his normal work search review with his Work Coach without a good reason.	5 days	<p><b>12 days</b> - on 8.8.16 Jamie complies. A 12 day reduction period applies - a 5 day open ended sanction plus a 7 day fixed period sanction. As there has been a previous low-level sanctionable failure on 29.7.16 which is within 365 days and also within 14 days of the current sanctionable failure on 3.8.16, the fixed period sanction is also for 7 days and cannot escalate to the next level.</p>
24.8.16 – Jamie fails to participate in an interview with his Wp provider without a good reason	21days	<p><b>20 days</b> - Jamie complies on 30.8.16. A 20 day reduction period applies – a 6 day open ended sanction from 24.8.16 to 29.8.16 plus a 14 day fixed period sanction. As there has been a previous low-level sanctionable failure on 3.8.16 which is within 365 days but not within 14 days of the current sanctionable failure on 24.8.16, the fixed period sanction escalates to 14 days.</p>
5.9.16 – Jamie fails to attend an appointment with his Wp provider without good reason.	12 days	<p><b>17 days</b> - Jamie complies on 8.9.16. A 17 days reduction period applies - a 3 day open ended sanction for the period 5.9.16 to 7.9.16 plus a 14 day fixed period sanction. As there has been a previous low-level sanctionable failure on 24.8.16 which is within 365 days and also within 14 days of the current sanctionable failure on 5.9.16, the fixed period sanction is also for 14 days and cannot escalate to the next level. The fixed period sanction must be for the same duration as the previous</p>

		sanction, i.e. 14 days.
4.10.16 – Jamie fails to attend his normal work search review appointment with his work coach without good reason	29 days	<b>30 days</b> - Jamie complies on 6.10.16. A 30 day reduction period applies. A 2 day open ended sanction from 4.10.16 to 5.10.16 plus a 28 day fixed period sanction. As there has been a previous low-level sanctionable failure on 5.9.16 which is within 365 days but not 14 days of the current sanctionable failure on 4.10.16, the fixed period sanction escalates to 28 days.

## Example 2

Lily is entitled to UC. She is in the all work-related requirements group, and a 91 day higher-level sanction is imposed from June 2014 when she failed without good reason to apply for a suitable job vacancy.

Lily's health deteriorates and the DM determines that she has LCW. Lily is now in the work preparation group, and on 22.9.14 she fails to attend an initial WFI. Lily's previous higher-level sanction is not used to calculate the fixed period of the lower-level sanction imposed due to the failure to take part in a WFI. There are no previous low-level sanctionable failures and so the fixed period sanction will be for 7 days.

K5023 – K5024

## Claimant aged 16 or 17

K5025 Where the claimant is aged 16 or 17 years old on the date of the sanctionable failure, the reduction period is the total of<sup>1</sup>

**1.** the number of days beginning with the date of the sanctionable failure and ending with the day before the day on which

**1.1** the claimant meets a compliance condition specified by the Secretary of State **or**

**1.2** the claimant falls into the “no work-related requirements” group<sup>2</sup>**or**

**1.3** in the case of a work preparation requirement, the claimant is no longer required to take specified action<sup>3</sup>**or**

**1.4** the award is terminated (other than because the claimant ceases to be, or becomes, a member of a couple)

**2.** where there has been a previous low-level sanctionable failure within 365 days of the current sanctionable failure, a fixed period of 7 days

whichever is soonest **and**

**Note:** Once a claimant reaches 18 any subsequent failures will be at the aged 18 or over level.

1 [UC Regs, reg 104\(3\)](#); 2 [WR Act 12, s 19](#); 3 [s 16](#)

### **Example**

Gracie is 17 and entitled to UC. She has LCW and is in the work preparation group. She has already had a low-level sanction for failure to attend a Wfl in June 2014, and a further sanction is imposed when she fails to attend a further Wfl in August 2014. Gracie still hasn't agreed to take part in a Wfl in September 2014 when she moves in with her partner Brian, who is also entitled to UC. The low-level reduction for Gracie's sanctionable failure continues for the new award of UC paid to Gracie and Brian as joint claimants.

Gracie provides evidence that from 14.12.14 she is within 11 weeks of her EDC. Gracie is no longer required to meet any work-related requirement, and the open period part of the low-level reduction ends on See [ADM Chapter K9](#) for guidance on the amount of the reduction.

K5026 – K5050

## Participating in an employment programme K5051 - K5095

[Definition of schemes](#) K5056 - K5090

[Selection to participate in an employment programme](#) K5091 - K5095

K5051 A low-level sanction can be imposed where the claimant fails for no good reason to comply with a work preparation requirement which

1. is specified by the Secretary of State **and**
2. in the opinion of the Secretary of State makes it more likely that the claimant will obtain paid work, more paid work or better-paid work<sup>1</sup>.

This includes participating in an employment programme<sup>2</sup> (see [K5015 2.](#)).

**Note 1:** Providers of certain employment programmes and schemes, for example the Wp, can be authorised persons under relevant legislation<sup>3</sup> to act on behalf of the Secretary of State (see [K5054](#) and further guidance on delegating and contracting out functions in [ADM Chapter K1 \(Sanctions- General principles\)](#)).

**Note 2:** For the meaning of 'specified' see [ADM Chapter K1 \(Sanctions – general principles\)](#).

**Note 3:** For the meaning of fails to comply see [ADM Chapter K1 \(Sanctions - general principles\)](#).

*1 [WR Act 12 s 16](#); 2 [s 16\(3\)\(d\)](#); [UC Regs, reg 104\(1\)\(b\)\(ii\)](#); 3 [W R Act 12, s 29](#)*

K5052 Individual programmes are not defined in UC legislation, but for the purposes of K5051 employment programmes **may** include

1. The sector-based work academy (sbwa) (see [K5056](#))
2. Skills Conditionality (Sc) (see [K5057](#))
3. The Work Programme (Wp) (see [K5058](#))
4. Community Work Programme (CwP) (see [K5061](#))
5. Youth Obligation (see [K5062](#))

6. Traineeships (see **Note 3.**)

7. Work and Health Programme (WHP) (see [K5071](#))

8. Public Sector Comparator (PSC) (see [K5076](#))

9. Restart Scheme (see [K5086](#)).

**Note 1:** This does **not** include the MWA scheme<sup>1</sup>. For detailed guidance on the MWA scheme see [ADM Chapter K3 \(Higher-level sanctions\)](#).

**Note 2:** Some schemes are defined in JSA legislation<sup>2</sup>. Definitions of those schemes are the same for the purposes of UC claimants see K5056 et seq..

**Note 3:** Traineeships are defined in UC legislation<sup>3</sup> (see guidance in [ADM Chapter H6 – Students and student income](#)). Also see further guidance at [K5068](#) regarding traineeships and Youth Obligation.

**Note 4:** For guidance on work experience see [K5121](#).

**Note 5:** This does not include the Kickstart Job scheme. For guidance on the Kickstart Job scheme see [ADM Chapter K3](#).

**Note 6:** The Re Act and Jobs Growth Schemes in Wales are purely voluntary schemes and so claimants cannot be mandated to take part in those schemes and the guidance in this chapter regarding employment schemes and sanctions will not apply.

1 [WR Act 12, s 26\(2\)\(a\) & 27\(3\)](#); [UC Regs, reg 114](#);

2 [JSA \(SAPOE\) Regs](#); 3 [UC Regs, reg 12\(1B\)](#)

K5053 All these schemes aim to support UC claimants towards or into paid work, more paid work or better-paid work, and address various issues such as a lack of experience of work and the associated skills needed within the work place which can have a significant effect on the chances of unemployed people.

**Note 1:** Any requirements **must** have been correctly and adequately notified to the claimant in order to meet the Secretary of State's obligation to meet the public law principles of fairness (see guidance in [ADM Chapter K1 – Sanctions – general principles](#)). Once selected to participate and mandated to a scheme, the DM would determine under good reason if the claimant advocated the requirements or any activity as specified were unreasonable, taking into account all the individual facts and circumstances of the case (see full guidance in [ADM Chapter K2 - Good reason](#)).

**Note 2:** Employment schemes are not designed to provide claimants with experience of work of a

suitable type or status to that which they have undertaken previously or have aspirations to obtain but are designed to offer transferable skills to other employments and help to develop disciplines to improve the chances of obtaining and sustaining employment and making the claimant more attractive to prospective employers. There is no provision for consultation with claimants about what placements would be most suitable or beneficial for them but the claimant should understand fully what is required of them and by when and what the consequences of failing to comply will be, to be able to raise any meaningful representations at the relevant time (see guidance on the 'prior information requirement' in [ADM Chapter K1 \(Sanctions – General principles\)](#)).

K5054 Providers of certain employment programmes, e.g. the Work Programme scheme, the Work and Health Programme and the Restart Scheme, can be authorised persons to act on behalf of the Secretary of State to mandate claimants to participate in the scheme as part of a work preparation requirement<sup>1</sup>. See [ADM Chapter K1 \(Sanctions - General principles\)](#) for guidance on delegation and contracting out of certain functions to authorised persons.

1 [WR Act 12, s 29](#)

K5055

## Definition of schemes

### The sector-based work academy (sbwa)

K5056 The sbwa is a scheme which provides for

1. a period of up to 6 weeks training to enable a claimant to gain the skills needed in the work place **and**
2. a work experience placement for a period to be agreed with the claimant **and**
3. either a guaranteed job interview with an employer or support to help participants through an employer's application process.

**Note 1:** The academies are designed to support claimants aged 18 years or over who are relatively job ready. The training and work experience is tailored to employers' needs to help fill vacancies more efficiently whilst supporting participants into sustained employment.

**Note 2:** Participation in the sbwa is voluntary but once the claimant has agreed to participate they are then mandated to attend the training element and guaranteed job interview but they cannot be mandated to take part in the work experience element. Once they have agreed to participate they can be sanctioned if they fail to comply for no good reason with either the training element or guaranteed job interview but not the work experience element unless they are dismissed for gross misconduct (also see [K5121](#) for further guidance on work experience). This includes a claimant who has been on Youth Obligation for 6 months who agrees to participate in a sbwa (also see [K5062](#) for further guidance on

Youth Obligation).

**Note 3:** The guaranteed job interview forms part of the sbwa which is an employment programme and a failure to comply with the requirement to participate in that interview for no good reason is a failure to comply with a work preparation requirement. Therefore the DM can only ever consider a low-level sanction for the failure.

**Note 4:** A claimant cannot be mandated to take part in a sbwa open day. Participation will be purely voluntary. The sbwa open day takes place before the claimant volunteers to take part in the scheme and is an information session to publicise the vacancies and opportunities that are linked to participation in the sbwa.

### **Skills Conditionality (Sc)**

K5057 Sc is a scheme comprising of training or other activity designed to assist a claimant to obtain skills needed to obtain employment. Sc embraces all types of training. Claimants are referred on a mandatory basis to undertake activity to address an identified skills search.

### **The Work Programme (Wp)**

K5058 The Wp is a scheme designed to assist a claimant at risk of becoming long-term unemployed in which, for a period of up to 2 years, the claimant is

- 1.** given such support as the provider of the Wp considers appropriate and reasonable in the claimant's circumstances **and**
- 2.** subject to minimum levels of support published by the provider, to assist the claimant to obtain and sustain employment which may include work search support, provision of skills training and work placements for the benefit of the community.

K5059 The Wp is designed to assist a claimant at risk of becoming long-term unemployed to move into and stay in work. The scheme is delivered by contracted private, public and voluntary and community sector providers.

**Note:** The long term unemployed are those claimants who are in the AWRR conditionality group and have not moved into employment within 24 months of their claim.

K5060 From 31.3.17 referrals to the Wp scheme will cease. All claimants referred to the scheme up to and including 31.3.17 will be expected to complete their usual 104 weeks of participation which includes claimants coming back onto UC within that time. Current processes should be followed for considering a sanction for any failure to participate in the scheme where the original date of referral to the scheme is on or before 31.3.17.

**Note:** Existing Wp scheme participants in Scotland referred to the scheme on or before 31.3.17 will be expected to participate as normal and DMs will consider failures to participate following current

processes but see K5081 for guidance on new employment provision in Scotland from 3.4.17.

## Community Work Placements (CwP)

K5061 CwP is a scheme lasting up to 30 weeks, designed to assist a claimant who requires further support in order to obtain and sustain employment, in which participants undertake

1. work placements for the benefit of the community **and**
2. work-related activity.

The CwP is primarily aimed at claimants returning from the Wp who require additional support to find employment. CwP is an external provision to support claimants whose key barriers to employment are lack of work history and/or lack of motivation. It is a mandatory programme delivered by providers who are expected to deliver work placements for claimants of up to 26 weeks, alongside supporting job search of at least 2 hours a week but with the flexibility to deliver up to 10.

**Note 1:** Except for in certain areas, the CwP scheme ends on 27.10.16. The final date a Work Coach can refer a claimant to the CwP scheme is 31.3.16 and the last date claimants can participate in the CwP scheme will be 26.10.16 (see further guidance in Appendix 1 to this chapter).

**Note 2:** CwP are removed from relevant legislation<sup>1</sup> from 20.11.17 as they are no longer in use. For guidance refer to Appendix A.

1 [JSA \(SAPOE\) Regs, reg 3](#)

## Youth Obligation

K5062 Youth Obligation is not defined in legislation. It is a DWP policy lead initiative where from day 1 of their claim, an 18-21 year old in the AWRR group, will be required to participate in an intensive period of support to help them become effective jobseekers as quickly as possible.

**Note 1:** Claimants are required to take part in Youth Obligation as a work preparation requirement<sup>1</sup> (i.e. an action that the Secretary of State thinks will make it more likely that the claimant will obtain paid work (more or better-paid work)).

**Note 2:** The Secretary of State has an obligation to 'specify' any work-related or connected requirement clearly to the claimant (see guidance in [ADM Chapter K1](#) for the meaning of 'specify' and notifying requirements).

1 [WR Act 12, s 16](#)

K5063 Claimants may face a low-level sanction where they fail for no good reason to comply with mandatory requirements while on Youth Obligation in the first 6 months of participation. For example, failing to participate in

1. the intensive activity programme
2. workshops
3. coaching sessions ('follow-up') interviews **or**
4. work search reviews

which are mandatory requirements and will be subject to the imposition of a low-level sanction where the claimant cannot show good reason for any failure to comply<sup>1</sup> (see [K5096](#) et seq).

**Note:** A 2 to 8 weeks work experience placement may be available to Youth Obligation claimants in the first 6 months of their claim but participation is purely voluntary, therefore no sanction can be applied for failing to participate or if they leave or are dismissed for misconduct from the work experience placement.

1 [WR Act 12, s 27\(2\)\(a\)](#)

### **Example**

Tom is participating in Youth Obligation. He has been in receipt of UC for 2 months. He is notified of the requirement to participate in a workshop on 18.5.17 and a follow up interview by phone with his work coach on 23.5.17.

Tom attends and participates in the workshop but fails to take part in the follow up call.

Tom cannot show good reason for his failure to comply. He states he forgot about the interview.

The DM is satisfied that Tom was adequately notified of the requirement to take part in the follow up interview and of the circumstances of failing to comply and that it was reasonable in the circumstances.

The DM imposes a low-level sanction for the failure.

### **At six months of the claim**

K5064 Those on Youth Obligation still claiming UC after six months will be encouraged to

1. apply for
  - 1.1 an apprenticeship **or**
  - 1.2 a traineeship **or**
2. gain work-based skills through a guaranteed work experience opportunity lasting 3 months **or**

### **3.** participate in a sbwa

to give them the skills they need to move into sustainable employment.

K5065 Referral to any of the options in [K5064](#) is voluntary. Claimants opt in to the opportunity they agree will provide the support they need. See further guidance at

**1.** K5066 for those claimants who volunteer to participate in a sbwa

**2.** K5067 for those claimants who volunteer for the guaranteed 3 month work experience placement

**3.** K5068 for those claimants who volunteer for a traineeship

### **Participating in a sbwa**

K5066 If a claimant who has been on Youth Obligation for 6 months agrees to participate in a sbwa, they are required to participate in the training element and the guaranteed interview (if one is offered) see guidance at [K5056](#). If they fail to do so without good reason, a sanction will apply. The claimant will also be offered a work experience placement as part of their participation in the sbwa. Taking part in work experience is voluntary but if a claimant starts work experience but they or the employer later decides that the placement is not suitable they may leave and a sanction will not apply. However, if they start the work experience placement and are asked to leave because of their misconduct they may be sanctioned. See further guidance at [K5056](#).

#### **Example**

Adam is on Youth Obligation and has been in receipt of UC for 6 months. He volunteers to take part in the sbwa scheme and participates as required in the training element and guaranteed job interview. He agrees to and starts a work experience placement and after week 2 the employer and Adam agree the work is not suitable for him.

A sanction cannot be considered.

### **Guaranteed 3 month work experience placement**

K5067 Participation in a work experience placement is voluntary and therefore no sanction can be applied for failing to participate or if a claimant loses or is dismissed from a work experience placement due to misconduct. If a claimant agrees to participate in a guaranteed 3 month work experience opportunity but changes their mind before they start or during their placement, a sanction cannot be applied. However, if they do take up the guaranteed 3 month work experience placement and are dismissed for gross misconduct they may be sanctioned. See further guidance at [K5121](#)

#### **Example 1**

Poppy is offered a 3 month guaranteed work experience placement as part of Youth Obligation and agrees to take part. She has been in receipt of UC for 6 months.

She attends the interview and agrees to start the work experience placement in a warehouse.

After the third week Poppy decides to leave the work experience placement as she does not think the work is for her. She is struggling to keep up with the heavy physical demands of the job to meet the required targets set for a warehouse operative.

No sanction can be considered.

## **Example 2**

Peter is on Youth Obligation and volunteers for a 3 month guaranteed work experience placement at a garage. He is dismissed from the work experience placement for assaulting a colleague and causing actual bodily harm.

His conduct can be regarded as gross misconduct and a low-level sanction imposed.

## **Traineeships**

K5068 If a claimant who has been on Youth Obligation for 6 months agrees to a traineeship, they are required to participate in the training element. If they fail to do so for no good reason a sanction will apply.

K5069 The claimant will also be offered a work experience placement as part of their participation in the traineeship. Taking part in the work experience element is voluntary and if the claimant starts work experience but they or the host employer later decides that the placement is not suitable they may leave and a sanction will not apply. However, if they start the work experience placement and are asked to leave because of their misconduct they may be sanctioned. See further guidance on work experience at [K5121](#).

K5070

## **Work and Health Programme (WHP)**

K5071 The WHP is a scheme designed to assist a claimant who is long-term unemployed in which, for a period of up to 456 calendar days, the claimant is

**1.** given such support **and**

**2.** required to participate in such activity

as the provider of the WHP considers appropriate and reasonable in the claimant's circumstances to assist the claimant to obtain and sustain employment<sup>1</sup>.

**Note 1:** From 24.11.17 the WHP will be the DWP's new contracted employment provision that will help claimants with a disability or member of an early access disadvantaged group to find sustained work.

**Note 2:** The scheme will be rolled out in stages in England and Wales from November 2017 and claimants will be referred on a voluntary basis because it is considered they need the additional support to move into employment.

**Note 3:** The long term unemployed who are in the AWRR conditionality group and have not moved into work within 24 months of their claim to UC will be eligible to be referred to the scheme under a work-preparation requirement on a mandatory basis after February 2018 (see [K5072](#)).

K5072 From 3.4.18 UC claimants who are

**1.** within the intensive work search regime of the AWRR work-related group **and**

**2.** still unemployed after 24 months of their claim

will be eligible for referral to the WHP scheme on a mandatory basis.

**Note:** The WHP will not roll out in Scotland or Northern Ireland. The power to create employment support programmes for the long term unemployed and disabled people in Scotland has been devolved to the Scottish Government<sup>1</sup>. See K5081 for guidance on employment support in Scotland.

1 [Scotland Act 2016](#)

K5073 – K5075

### **Public Sector Comparator (PSC)**

K5076 PSC has been given the resource and flexibility to deliver a successful programme of Work & Health Programme (WHP) provision for the most vulnerable customers and long term unemployed alongside the WHP.

K5077 The purpose of the PSC is to provide an assessment of whether, given similar resources and freedoms to a contracted provider, DWP can deliver the same level or better performance than contracted provision.

K5078 The PSC will not operate nationally. Only a small number of selected districts will run the provision alongside the WHP. Those districts are

**1.** Lincolnshire, Nottingham and Rutland

**2.** Leicestershire and Northamptonshire

**3.** Devon and Cornwall

**4.** Dorset, Hampshire, Isle of Wight and Wiltshire.

**Note 1:** Selection, Notification & Participation in the programme is done in exactly the same way as for

the WHP and other employment schemes using the same legal provisions<sup>1</sup>.

**Note 2:** Normal WHP letters will be issued to mandate the claimant to the programme and the PSC has its own MAN's and MEN's which are equivalent to those issued by providers to mandate to appointments, activities and job vacancies.

1 [WR Act 12, s 16\(3\)\(d\)](#)

K5079 – K5080

## **Work Able Scotland and Work First Scotland**

K5081 From 3.4.17 the Scottish Government will use its powers<sup>1</sup> to deliver new employability support in Scotland. The current Wp and Work Choice schemes run by DWP (UK) will be replaced by two new schemes for Scottish claimants,

1. Work Able Scotland, which will offer support to UC claimants with LCW, **and**
2. Work First Scotland, which will deliver employment support for disabled UC claimants with complex needs.

1 [Scotland Act 2016](#)

K5082 Referrals to the schemes at K5081 **1.** and **2.** will commence from 3.4.17 and cease on 22.12.17. Participation will be on a purely voluntary basis and therefore will not attract a sanction for any failure to participate.

**Note:** Existing claimants living in Scotland who are already participating in the Wp prior to 3.4.17 will be expected to continue to participate as normal and will be subject to a sanction for any failure to participate without good reason (see [K5058](#)).

K5083 – K5085

## **Restart Scheme**

K5086 From 28.6.21 a new mandatory provider lead employment scheme is introduced in England and Wales for UC claimants who

1. are in the AWRR conditionality group **and**
2. have been unemployed for 12 months (see **Note**).

**Note:** From 17.01.22 a claimant who has been unemployed for 9 months may be eligible for the Restart scheme.

K5086 Eligible claimant's will be referred to the Restart Scheme as the next step of their journey towards employment and will spend up to 12 months on the provision. The Restart Scheme allows work coaches, claimants and providers to work together and develop the claimant's employability skills and move them towards and into work. Providers will work with participants on activities with the emphasis on positive engagement and providing the relevant support to help claimants overcome a range of barriers to work. Support is tailored to the individual participant so each person will receive different support. Restart scheme providers have support in place to help people address health issues or complex barriers that may be affecting their ability to look for work. The support lasts for 12 months or until the claimant finds sustained work.

**Note:** Work coaches will continue to see claimants at fortnightly interventions during their time on the Restart Scheme.

K5087 Participants and providers will agree a plan of activities which are achievable and reasonable in the individual claimant's circumstances and in the opinion of the Secretary of State moves them closer to employment. Where the participant refuses to engage for no good reason, the Provider may mandate them to undertake an activity and make a referral to a Jobcentre Plus DM to make a decision on whether the claimant can show good reason and whether a sanction would apply.

**Note 1:** The guidance at K5050 regarding the public law principles of fairness and notifications applies equally to the Restart Scheme. The claimant **must** have been adequately notified of any mandatory requirement to take part in the scheme and the consequences of failing to do so.

**Note 2:** The guidance in [ADM Chapter K2](#) applies to the consideration of good reason should the claimant be mandated to take part in an activity as part of the Restart scheme and fails to do so.

K5088 - K5090

## **Selection to participate in an employment programme**

K5091 There may also be a connected requirement<sup>1</sup> which provides that the Secretary of State may require a claimant to participate in an interview for any purpose relating to the imposition of a work-related requirement on the claimant. This provision is used to mandate the claimant to participate in an interview prior to mandating to certain employment programmes, for example a pre-selection interview to discuss participation in the WHP.

K5092 At this interview the work coach will determine whether the claimant will be referred to the specific programme using a selection process to assess the individual's eligibility for referral onto the relevant provision following the criteria detailed in the policy for the scheme and operational instructions. A claimant who fails for no good reason to attend and participate in this interview will be liable to a low-level benefit sanction<sup>1</sup>.

**Note:** A sanction can only be imposed if the work-related or connected requirement has been validly imposed in accordance with public law principles of fairness (see guidance in [ADM Chapter K1](#)).

1 [WR Act 12, s 27\(2\)\(b\)](#)

K5093 – K5095

## Meaning of fails to comply K5096 - K5120

[Meaning of fails to comply](#) K5096 - K5100

[Conduct](#) K5101 - K5103

[Inappropriate behaviour](#) K5104

[Prior conduct](#) K5105 - K5120

### Meaning of fails to comply

K5096 Fails to comply is not defined in legislation and therefore takes its everyday meaning of failing 'to meet a specific requirement'. This includes a failure to take part in any activity which is specified by the Secretary of State in relation to a work-related or connected requirement that is considered reasonable and acceptable in the claimant's individual circumstances, which makes it **more likely** in the opinion of the Secretary of State that the claimant will obtain paid work, more paid work or better-paid work.

**Note 1:** For the meaning of 'specified' see [ADM Chapter K1 \(Sanctions – general principles\)](#).

**Note 2:** In order for a low-level sanction to be imposed for any failure to comply the DM has to be satisfied that there is a sanctionable failure, that the 'prior information requirement' has been met and the claimant has been adequately notified of the specific requirement and the consequences of failing to comply before considering good reason and whether a sanction should be imposed (see further guidance in [ADM Chapter K1 \(Sanctions – General principles\)](#)).

**Note 3:** 'More likely' is not defined in legislation so takes its ordinary meaning of the probability of obtaining paid work (more or better-paid work) is very high; i.e. it is reasonably expected to happen.

K5097 Actions may include, for example

1. turning up and taking part in an interview
2. preparing an action plan
3. writing a CV
4. working as a team
5. displaying interpersonal skills
6. taking part in skills training
7. developing a business plan

8. improving personal presentation
9. attending a skills assessment
10. taking part in work experience or work placement (but also [see K5121](#))
11. taking part in workshops
12. taking part in an employment scheme or training programme
13. any reasonable action which in the opinion of the Secretary of State will mean the claimant's chance of obtaining paid work (more or better-paid work) is highly likely.

This is not an exhaustive list. The action can be any reasonable work-related activity which in the opinion of the Secretary of State will make it more likely a claimant will obtain paid work, more paid work or better-paid work. See further guidance at [K5121](#) regarding work experience. See **Note 3.** at [K5096](#) for the meaning of 'more likely'.

**Note 1:** It would not include group information sessions or open days where the claimant is merely obtaining further information. A claimant cannot be mandated to attend an event where they are simply given information because until they act on that information, they have not been helped in finding paid work or improved their chances of doing so (see further guidance on Group Information Sessions at [K5341](#)). There must be a measurable outcome at the end of it. See [K5056 Note 4.](#) regarding the sbwa open day. It would not be more likely that the claimant would obtain paid work (more or better-paid work) merely by being better informed.

**Note 2:** The Secretary of State has an obligation to 'specify' any work-related or connected requirement clearly to the claimant (see guidance in [ADM Chapter K1](#) for the meaning of 'specify' and notifying requirements).

**Note 3:** It would be for the DM to consider all the facts and circumstances of the case and the claimant's reasons for any failure to comply with any work-related or connected requirement when determining whether to impose a sanction. If the DM can show a requirement was validly imposed and there has been a sanctionable failure the burden of proof is then on the claimant to show good reason for the failure. For detailed guidance on burden of proof see [ADM Chapter K1 \(Sanctions – general principles\)](#) and for guidance on good reason see [ADM Chapter K2 \(Sanctions - Good reason\)](#).

K5098 – K5100

## Conduct

K5101 Work-related requirements are designed to help certain claimants enhance their employment prospects and gain opportunities to develop skills and disciplines associated with a normal working environment to make it more likely they will obtain paid work (more or better-paid work). This includes activities such as

1. attending on time,
2. carrying out tasks,
3. working as a team,
4. gaining work experience **and**
5. developing interpersonal skills.

Those skills and disciplines can also include 'behaviours' expected of a someone in a work setting (see [K5102](#) et seq).

K5102 A claimant's conduct can be relevant to whether a person has failed to comply with any work-related or connected requirement and their acts and omissions will be considered by the DM under good reason with reference to that claimant's personal circumstances (see [ADM Chapter K2 \(Good reason\)](#) for guidance on good reason).

K5103

### Inappropriate behaviour

K5104 Inappropriate behaviour can be

1. any unreasonable act or omission shown towards any other person, for example a work coach, an employer, other employees or customers
2. a refusal to complete a specific task
3. where a claimant is particularly obstructive, antagonistic, uncooperative, disinterested, offensive or

unwilling

4. showing disinterest and not doing anything and/or not following instructions
5. intimidating or bullying other staff or behaving in an unreasonable manner
6. the use of offensive language, whether swearing or not, that is not appropriate in a work setting
7. turning up for an interview under the influence of drugs and/or alcohol
8. any behaviour considered unacceptable or unreasonable by someone in a work setting.

This list is not exhaustive. The DM should consider the behaviour or act along with all the facts, circumstances and evidence of the individual case when considering if the behaviour was unreasonable.

**Note 1:** The DM, however, should be mindful of any mitigating factors or circumstances that may have impacted on how the claimant reacted or behaved (for example; complex needs or mental health problems) and whether that was reasonable in the claimant's individual circumstances. Care should be taken to ensure all the facts and circumstances are taken into account before deciding to impose sanction (see full guidance on good reason in [ADM Chapter K2](#)).

**Note 2:** The DM should be careful to make sure all departmental records have been checked (for example journal notes and claimant history) to ensure the full picture is known particularly where there are indications the claimant may have complex needs, is suffering some personal crisis or has mental health issues.

### **Example 1**

Em starts a work placement as required in a charity shop, but is asked to leave the placement on her first day because of her attitude and rude behaviour towards the other staff and customers.

She uses offensive language to the manager and is rude to other volunteer employees in the shop. She refuses to sort clothes onto hangers when asked to do so complaining that it is menial work. The other volunteer employees in the shop complain to the manager they are intimidated and upset by Em's attitude.

The DM can consider a sanction as Em's loss of the placement is due to her conduct and behaviour. Even though she turned up at the right time and place to start the placement, being asked to leave the placement due to her conduct on the first day means these actions can be considered as a failure to participate in the scheme as required.

Her behaviour is not considered acceptable or reasonable or to be expected in a work setting.

Em is given a chance to explain her behaviour and the DM would fully consider all the individual facts and circumstances and the reasons given by Em for her behaviour when considering whether to impose a sanction.

See [ADM Chapter K2](#) for further guidance on good reason.

## **Example 2**

Tyler is taking part in a training course as a work-preparation requirement. On the third day of the course he is dismissed from the course as he is caught trying to steal a lap top from the training provider. Tyler's conduct is inappropriate and unreasonable and can be considered a failure to participate in the work preparation requirement.

### **Prior conduct**

K5105 Prior conduct can also be taken into account if it is legitimately linked to the decision to sanction.

### **Example**

Stephen is required to take part in a work placement in a decorating factory.

The week prior to the start date of the placement he visits the decorating factory with a view to identifying what participation in the placement will require.

As he made this purpose known to the manager at the decorating factory at the time, it was not an accidental casual visit to the factory unconnected with the placement Stephen was expected to take up. During this visit he was rude to the receptionist. He said he wanted to know if the placement would involve repeated standing as he has bad legs and cannot stand for long periods of time. He repeatedly complained about having to take part in a placement, was aggressive and rude. He was unkempt in appearance and behaved irrationally by laying down in the waiting room and going to sleep when asked to wait until the manager could come and talk to him.

This was unreasonable behaviour as would be expected in any work setting and gave relevant context to whether Stephen would behave appropriately once he started the placement.

When Stephen did turn up to start the placement on the relevant date he maintained his attitude of not wanting to be there. He was unkempt and unsuitably dressed for the placement and openly displayed antagonism to being on the placement. The manager asked him to leave.

The combination of Stephen's behaviour on his previous visit and his lack of contrition on the start date can be treated as a failure to participate.

K5106 – K5120

# Work experience K5121 - K5150

[Gross misconduct](#) K5124 - K5150

K5121 In UC legislation there is no definition of work experience. Participation in a work experience opportunity is on a purely voluntary basis and a low-level sanction cannot be imposed where the claimant fails to comply for no good reason with a work experience opportunity unless the claimant is dismissed for gross misconduct.

## Example

Poppy is mandated to a work experience placement as part of Youth Obligation. She has been in receipt of UC for 6 months. She attends the interview and starts the work experience placement in a warehouse.

After the first week Poppy decides to leave the work experience placement, as she does not think the work is for her. She is struggling to keep up with the heavy physical demands of the job.

No sanction can be considered.

K5122 Claimants should be encouraged to take part in work experience as it can improve their prospects of employment. It provides the opportunity to gain some tangible work related experience and claimants should gain an insight into the skills and behaviours employers require and see how the skills they have can be adapted to the work place. It gives the claimant opportunity to

**1.** learn new skills

**2.** demonstrate they

**2.1** are reliable, for example by turning up on time every day,

**2.2** can follow instructions

**2.3** can work and cooperate with others

**3.** get an up to date entry for their CV **and**

**4.** impress so that ideally they get a work related reference from the employer.

K5123

## Gross misconduct

K5124 Gross misconduct is not defined in legislation but suggests misconduct that is 'blatantly wrong' or 'unacceptable'. It is conduct that is so serious that only one instance of such behaviour will warrant the employer's immediate termination of the work experience.

**Note:** For full guidance on misconduct see [ADM Chapter K3](#).

K5125 The DM should be able to establish when making a decision to sanction for gross misconduct that it was fair and reasonable in all the circumstances. Instances of gross misconduct and the seriousness of the conduct will need to be assessed in the light of all the individual particular circumstances having regard to all the relevant facts and evidence.

**Note:** The claimant will be given the opportunity to comment on allegations made against them but good reason will not apply to gross misconduct.

K5126 Examples of gross misconduct which would normally justify the imposition of a sanction are

1. dishonesty or theft from the employer or co-workers
2. fighting with or assault on another person in the workplace
3. abusive behaviour towards co-workers or customers
4. deliberately damaging the employer's property
5. a serious act of insubordination towards a person in a position of authority in the workplace
6. endangering the safety of self or others by some deliberate act or omission
7. serious incapability through the use of alcohol or illegal drugs.

**Note 1:** This list is not exhaustive and each case should be considered on its own merits.

**Note 2:** Repeated instances of minor misconduct such as lack of punctuality or carelessness in performing tasks will not amount to gross misconduct.

### Example 1

Vicky is participating in a work experience placement and has an argument with her supervisor regarding

her standard of work. She storms off and deliberately punches and smashes a glass door panel. She says she needed to let off steam. She is dismissed from her work experience placement. Her actions were deliberate and damaged the employer's property and could have endangered her safety or the safety of others. Her conduct can be regarded as gross misconduct and a low-level sanction imposed.

### **Example 2**

Dom is constantly late for his work experience opportunity. He says he finds it hard to get up in the mornings. Although his actions are minor misconduct and he is dismissed from his work experience opportunity, they do not amount to gross misconduct and so no sanction would be imposed.

### **Example 3**

Evie is participating in a sbwa work experience placement. She tells her employer she has decided to leave her work experience placement and then turns up for work drunk. She is asked to leave the placement immediately.

A low-level sanction is imposed on the grounds of her having lost the work experience placement on account of gross misconduct.

Evie requests a review of the decision stating she had already decided to leave the placement before the gross misconduct occurred and she didn't think it would matter as her attendance on the work experience is voluntary.

The DM determines the sanction is still appropriate as Evie failed in her obligation to maintain a minimum standard of good behaviour whilst participating in the work experience regardless of the fact that she had already announced an intention to leave the work placement and is regarded as having failed to participate for no good reason.

K5127 – K5150

## **Fails to comply with a requirement to report a specified change in circumstances K5151 - K5170**

[Requirement to notify within 5 working days that the claimant has left paid work](#) K5152 - K5170

K5151 Low-level sanctions can apply where a claimant fails without good reason to comply with a requirement to report specified changes of circumstances relevant to the

- 1.** imposition of **or**
- 2.** compliance with a work-related requirement<sup>1</sup>.

The DM will also have to consider whether the claimant lost pay or paid work through their own actions when deciding the length and number of sanctions to apply.

**Note:** It is for the DM to consider each case on its own individual facts and circumstances and what is reasonable and appropriate for the claimant in consideration of whether the claimant can show good reason for any failure. For further guidance on good reason see [ADM Chapter K2](#).

1 [WR Act 12, s 23\(4\)](#); [UC Regs, reg 104\(1\)\(b\)](#)

## **Requirement to notify within 5 working days that the claimant has left paid work**

K5152 Where the Secretary of State has set a requirement to notify losing pay or leaving paid work within 5 days, the responsibility is on the claimant to re-engage with Jobcentre Plus as quickly as possible after leaving the paid employment or losing pay to

- 1.** set revised work-related requirements as appropriate
- 2.** build on their recent spell of employment **and**
- 3.** provide immediate support to help them find
  - 3.1** alternative work **or**
  - 3.2** better-paid work.

The requirement to notify UC of leaving employment within 5 days will be included on the Claimant Commitment.

**Note 1:** A claimant is expected to be doing everything reasonable to find work and the period of 5 days or more of failing to report the loss of pay or paid work is a period where they should have been set a work-related requirement to do that. Because UC continues to be payable depending on the level of earnings UC could continue to be paid without the claimant meeting any conditionality.

**Note 2:** Reference to days is 'working days' excluding Saturdays, Sundays and bank holidays and allowance for posting must be made where the claimant notifies the loss of paid work by post.

K5153 The claimant will have lost paid work or pay

**1.** through their own actions without a good reason in which case a higher-level sanction would be considered for

**1.1** leaving voluntarily without a good reason **or**

**1.2** misconduct<sup>1</sup>**or**

**2.** as a result of other factors the claimant is not in control of, for example redundancy, but failed to report it within 5 days as specified by the Secretary of State, in which case a low-level sanction would be considered<sup>2</sup>.

**Note 1:** Where the claimant has left employment or lost pay voluntarily without a good reason and also failed to notify the loss of employment within 5 days without a good reason there are 2 separate failures and 2 sanctions to consider. See example **2**.

**Note 2:** For further guidance on higher-level sanctions and leaving employment voluntarily see [ADM Chapter K3](#).

<sup>1</sup> [WR Act 12, s 26\(2\)\(d\)](#); <sup>2</sup> [s 27\(2\)\(b\)](#)

### **Example 1**

Donald has a requirement on his Claimant Commitment that he will notify the Secretary of State within 5 days if he leaves his job.

Donald ceases work on 2.10.15.

He was made redundant and did not report the change until 12.10.15. He cannot show good reason for failing to notify the change within the 5 days allowed by the Secretary of State as specified on his Claimant Commitment.

The date of failure is 9.10.15 (the date after the 5 days allowed to notify ended).

The date of compliance is 12.10.15 when Donald informs his work coach the job ended.

The appropriate sanction reduction will be a low-level sanction and will be an open-ended sanction for 3 days for the period 9.10.15 – 11.10.15 (date of failure to the day before the date he complies) plus a fixed period of 7, 14 or 28 days depending on whether there have been previous low-level sanctions applied within 365 days of the date of the current failure.

## **Example 2**

Ross has a requirement on his Claimant Commitment that he will notify the Secretary of State within 5 days if he leaves his job.

He leaves his job on 6.11.15. He has no good reason for leaving the job and does not inform his work coach he has left the job until 19.11.15. He has no good reason for not notifying he left his job within 5 days.

In this case there are 2 sanctionable failures:

(1) Ross left his job voluntarily without good reason on 6.11.15 and a 91 day higher-level sanction would be appropriate (there are no previous higher-level failures).

(2) Ross also did not show good reason for failing to notify he left his job on 6.11.15. The date of failure is 13.11.15 (the date after the 5 days allowed to notify ended). The date of compliance is 19.11.15 when Ross informs his work coach the job ended.

The appropriate sanction reduction would be a low-level sanction of 13 days; a 6 days open-ended sanction for the period 13.11.15 – 18.11.15 (date of failure to the day before the date he complies) plus a fixed period of 7 days as there have been no previous low-level failures.

The DM imposes a 91 day higher-level sanction for leaving the job voluntarily without a good reason and a 13 day low-level sanction for failing to notify he had left the job within 5 days without a good reason.

K5154 – K5170

## Fails to comply with a requirement to create an on line profile and public CV K5171 - K5300

[Universal Jobmatch \(UJ\)](#) K5173

[‘Find a Job’](#) K5174 - K5200

[Mandating a UC claimant to create a profile and public CV online](#) K5201 - K5207

[Evidence](#) K5208 - K5300

K5171 Where the claimant refuses or fails to comply with a mandatory request to create an on line jobseeking profile and public CV, the DM has to decide whether in the specific case the

**1.** request to create a profile and public CV was reasonable in the claimants particular circumstances (see guidance at K5180 and **Note 2:** below) **and**

**2.** claimant can show good reason for the failure to do what they were required to do considering all the individual facts and circumstances of the case and the reasons for non-compliance.

**Note 1:** Guidance on good reason is in [ADM Chapter K2](#).

**Note 2:** If one or more of the circumstances in [K5204](#) applies and it is considered unreasonable for the claimant to create an on line jobseeking profile and public CV the claimant should not be mandated to do so. However if this only comes to light after a referral to the DM, for example, in the claimants good reasons, the claimant would be able to show good reason for a refusal or failure to comply. In such cases the DM should make a decision not to sanction. The referral should not be cancelled

K5172 If the claimant cannot show good reason for the failure the DM will impose a low – level sanction<sup>1</sup>.

**Note:** If the claimant has failed to apply for a specific vacancy see the guidance in [ADM Chapter K3 \(Higher-level sanctions\)](#).

If there is a consideration of whether the claimant has failed to meet their general work search requirements see the guidance in [ADM Chapter K4 \(Medium-level sanctions\)](#).

<sup>1</sup> [WR Act 12, s 27\(2\)\(a\), s 17\(1\)\(b\), UC Regs, reg 104](#)

### Example

Henryk is in the AWRR group and is required to register with UJ and create a profile and public CV. He has agreed and signed his Claimant Commitment which contains the following requirement; “I will create a profile and public CV within Universal Jobmatch as agreed with my work coach. I will use my computer. If

I am unable to do this I will contact my work coach to gain access to a public computer in a Universal Credit outlet by 28.6.16”.

Henryk fails to meet the requirement and tells his work coach at his next work search review on 28.6.16 this is because his internet connection was down and although he made several attempts at different times and on different days the system kept crashing. He also says he had no credit on his mobile phone to access the internet or to contact the work coach to gain access to the DWP IAD. The work coach makes Henryk an appointment to access the DWP IAD in order to register and create a public CV and profile on UJ.

## **Universal Jobmatch (UJ)**

K5173 Up to 17.6.18 (see **Note**) UJ is DWP's web based job posting and matching service that the Secretary of State can require claimants to use as part of their work search requirements to create a profile and public CV for the purpose of obtaining work (more paid work or better-paid work)<sup>1</sup>.

**Note:** UJ, the DWP's on line jobseeking service, is replaced by a new job matching service, 'Find a Job' (see K5174). The change came into effect on 14.5.18 and access to existing UJ accounts was available up until 23:59 hours on 17.06.18, although employers could no longer post new jobs from 17.05.18. This means 'Find a job' and UJ would run side by side between 14.05.18 and 23:59 hours on 17.06.18.

1 [WR Act 12, s 17](#)

## **'Find a Job'**

K5174 'Find a job' is a free government recruitment service that will continue to connect jobseekers with thousands of employers across the UK from 14.5.18. One of the fundamental differences to its predecessor UJ is that DWP staff will **not** be able to access the claimant's 'Find a Job' account and so will not be able to save jobs for claimants to apply for or send messages to claimants.

K5175 In terms of claimants, the new service will no longer have free text functionality to enable claimants to

1. type any ad-hoc activity they have done to look and/or apply for jobs,
2. enable them to receive on-going job matches to their account,
3. send anonymous matches to employers jobs posted on the site from information recorded on the claimants public CV **or**

4. enable employers to send messages to them.

K5176 UC claimants are expected to do all that is reasonably expected of them to seek employment and give them the best prospects of securing employment. It is therefore expected they would look for work through as many different sources as possible including creating and maintaining an online profile<sup>1</sup>. This may include using UJ or from 14.5.18 using the 'Find a Job' service (see K5174) if it is reasonable taking into account the claimant's circumstances.

1 [WR Act 12, s 17\(3\)\(c\)](#)

K5177 Through using the governments recruitment on line service claimants can

1. search and view jobs
2. set up an account
3. build and upload their public CV
4. receive automatic matches to employer's jobs from the profile they create
5. allow the Work Coach to help them look for suitable vacancies and save them to their account so they can review and apply for those which are suitable
6. achieve enough work related activity each week by enabling a claimant to fulfil a requirement to take all reasonable action for the purpose of obtaining work, in any given week.

However see the guidance at K5174 regarding the facilities available in the 'Find a Job' service.

K5178 For the majority of claimants, creating an on line jobseeking profile and public CV will be an important part of improving employment prospects and where using UJ or 'Find a Job' or other online jobseeking sites, for example Indeed or Reed etc, is required this will normally be included on the Claimant Commitment. However, mandating a claimant to create an on line profile can only be done if all the relevant criteria have been considered and are met (see K5193).

K5179 – K5190

### **Registering from day 1 of the claim to UC**

K5191 Some claimants who are in the AWRR and work preparation groups will be encouraged to do certain work search activities from day 1 of their claim to UC and operational processes are in place so

that when a claimant makes a claim to UC online they are advised that it would be beneficial for them to create

- 1.** a profile and public CV **and**
- 2.** an email account **and**
- 3.** a CV

if they haven't already done so.

K5192 Claimants are not mandated to complete any of these actions at this stage and therefore if they fail to do so sanction action cannot be taken and any referrals to consider a sanction should be cancelled by the DM.

K5193 There is no mandate until the claimant attends the UC outlet for an initial work search interview where the Work Coach will

- 1.** discuss with the claimant what advised actions the claimant has done so far and the reasons why if they haven't completed any **and**
- 2.** decide whether it is reasonable in the claimants specific circumstances to mandate the claimant to create a UJ or 'Find a Job' account (see K5174) **and**
- 3.** set and agree any actions the claimant is required to take on the Claimant Commitment (also see further guidance in [ADM Chapter K3 \(Higher-level Sanctions\)](#) with regard to specified vacancies **and**
- 4.** issue the cookie fact sheet (see further guidance at [K5207](#)) **and**
- 5.** explain the consequences of sanctions if the claimant fails to comply with an agreed action without good reason.

### **Example 1**

Dorek makes a claim to UC on line on 25.4.16. He is requested to attend the UC outlet on 27.4.16 for his initial Wfl with his work coach and is encouraged to register with UJ, create an email address and create a CV. Dorek attends the interview on 27.4.16 and confirms he has an email address and a CV but has not registered with UJ yet, he has however used several other on line job sites to look for suitable work and has already applied for several jobs.

The Work Coach must now consider if it is reasonable for Dorek in his circumstances to open a UJ account.

A sanction referral would not be appropriate at this stage.

## **Example 2**

Christie makes a claim to UC on 16.5.18. She is requested to attend the UC service centre on 22.5.18 for an initial Wfl with an advisor and is advised to register with 'Find a Job', create an email address and create a CV on line.

Christie attends the interview on 22.5.18 and confirms she already had registered with Reed and Indeed jobsites on line and has an email address and public CV.

Christie has met her requirements for Day 1 conditionality. The work coach advises Christie about the free government site 'Find a Job' and she agrees to also register with 'Find a Job' before her next Wfl.

Mandating Christie to register with 'Find a Job' would only be appropriate if she has not done so when she attends her next Wfl.

K5194 – K5200

## **Mandating a UC claimant to create a profile and public CV online**

K5201 Claimants in the AWRR and work preparation groups can only be mandated to create an on line profile and public CV when

- 1.** it has been explained to the claimant the benefits of creating a profile and public CV **and**
- 2.** it is reasonable in the claimant's circumstances **and**
- 3.** an IAD service is reasonably available to the claimant should they need to use one (see K5205) **and**
- 4.** they have been issued with the cookies fact sheet (see K5207).

## **Access to the claimant's account**

K5202 A UC claimant cannot be mandated to give DWP access to their UJ account, this is a voluntary action by the claimant and so it follows that a claimant cannot be sanctioned for refusing access to the UJ account. See guidance at K5174 regarding access to the 'Find a Job' service.

**Note:** The Work Coach should encourage the claimant to give access but the benefits need to be explained fully to the claimant and it needs to be exactly clear what this means and what the access will be used for (see K5193). Access to the claimant's UJ account will help provide evidence of job search activity and the Work Coach can provide extra support to the claimant by looking out for and saving jobs

for the claimant in the UJ 'Saved Jobs page'. Work Coaches can set this up as one of the claimants work search activities helping them achieve enough work related activity each week.

K5203

### **Exceptions to mandating**

K5204 Creating a profile and public CV online will be an important part of improving employment prospects for the majority of claimants. However, creating a profile, a public CV and using a recruitment site may be less than straightforward for some claimants if they are not reasonably able to use the service. For example those

**1.** with a learning difficulty, cognitive impairment or other health-related condition **or**

**2.** for whom English is their second language **or**

**3.** who lack the appropriate literacy and/or numeracy skills **or**

**4.** who are not reasonably able to access

**4.1** their own computer/device (for example, because they do not have such a device or cannot afford to access the internet) **and**

**4.2** an alternative internet access device in their area (for example, because of their personal circumstances, poor internet service in the area or lack of access to affordable internet access) **and**

**4.3** a DWP IAD in the local DWP office because for example, the office has a high number of claimants who need access to a DWP IAD and availability to access an IAD may be over subscribed or have restricted availability.

**Note:** The particular barrier to using an on line recruitment service should be addressed first (e.g: English language or numeracy skills).

### **Example**

Ranjit has English as a second language and is unable to use UJ. He cannot be mandated to use UJ at present. The Work Coach must address Ranjit's other barriers first and sets him a requirement to attend an English language skills course.

## Reasonable access to an IAD

K5205 Before deciding whether to mandate the claimant to create a profile and public CV in UJ or 'Find a Job' from 14.5.18, the work coach must also take into account whether the claimant can reasonably access a DWP IAD should they

1. not have reasonable access to the internet **or**
2. wish to exercise their right not to accept cookies.

K5206 All the claimant's individual circumstances should be considered. For example,

1. health problems
2. any restrictions on their availability
3. whether they have childcare available or have other caring responsibilities **and**
4. whether they have reasonable access to an IAD.

**Note 1:** The list of examples is not exhaustive it is up to the Work Coach to consider all the claimant's individual circumstances and what would affect reasonable access to the internet depending on the claimants capabilities, capacity and their own resources.

**Note 2:** A suitable alternative IAD may not be one on a DWP site but may be located nearer or more accessible to the claimant, for example in a library or community resource site or at a friend or relatives house. If it is reasonable and has been agreed by the claimant then it could be used in a requirement.

**Note 3:** Claimants must be given an appointment time to access a DWP IAD that is reasonable in their circumstances so they are able to carry out the requirement if no other reasonable alternative is available to the claimant.

### Example

Evelyn discusses setting up a UJ account with her Work Coach and is happy to do so but she does not have internet access at home and has restricted availability during school hours due to childcare arrangements. She lives in a remote village where there is no public library or other public IAD access. She has no family living nearby to arrange to use internet access. The Work Coach arranges for Evelyn to have access to the DWP IAD and makes her an IAD appointment which fits in with her availability.

## Cookies fact sheet

K5207 When it is considered reasonable to require a claimant to create an on line profile and public CV

1. this activity should be included as a requirement on their Claimant Commitment
2. the Cookies fact sheet must be attached to the Claimant Commitment, explaining the use of an IAD should the claimant not wish to accept cookies **and**
3. a record of it's issue made on system records.

A sanction will not be able to be imposed if the cookies fact sheet has not been issued.

**Note 1:** It must be recorded in the claimant's history that the cookies fact sheet has been issued for evidentiary reasons should it be needed in the event of any sanction determination or subsequent appeal. Failure to do this may affect whether or not a sanction can be imposed in the event of any failure to comply by the claimant.

**Note 2:** The cookies fact sheet explains what cookies are used, why, and the choices that are available to the claimant in relation to cookies.

## Evidence

K5208 Failure to record the relevant evidence may affect whether or not a sanction can be imposed in the event of any failure to comply by the claimant. Evidence can be a copy of the claimant commitment, copies of letters or copies of computer records which hold details of any on going meetings, interventions, conversations, texts sent between the claimant and the Work Coach regarding the use of an on line account which show the claimant was correctly mandated to use one and had been given a copy of the cookies fact sheet.

## Evidence of Public CV

K5209 A claimant can be asked to produce evidence of their public CV. This can be produced on a smart phone or by producing a screen print from the IAD or sent by email account.

**Note:** A sanction should not be imposed where the claimant does not send the CV by email but can produce the evidence by an alternative source, for example, by screen print from the IAD or on a smart phone. The sanctionable failure would occur for not having a public CV when required and not for the method in which they can show evidence of the CV.

K5210 – K5300



## Fails to comply with work-related requirements during a period of sickness K5301 - K5320

[Fails to comply during first 14 days of sickness](#) K5301 - K5302

[Work-related requirements where sickness continues after 14 days up to the WCA](#) K5303 - K5306

[Claimant continues to provide medical evidence after WCA](#) K5307 - K5999

### Fails to comply during first 14 days of sickness

K5301 When a claimant is unfit for work in UC no work search or availability requirements are imposed on the claimant for the first 14 consecutive days of sickness<sup>1</sup>. However this does not include the requirement to comply with

1. a work preparation requirement, for example participating in an appointment with the Work Programme provider, **or**
2. a requirement to participate in an interview<sup>2</sup>.

**Note:** For further guidance on turning off work-related requirements during periods of sickness see [ADM Chapter J3](#).

1 [WR Act s13\(1\)\(c\) & \(d\), s17 & s18](#); [UC Regs, reg 99\(4\)](#); 2 [WR Act, s 13\(1\)\(a\) & \(b\)](#)

K5302 A claimant can still be required to carry out work preparation and Wfl requirements during a period of sickness. If the claimant fails to comply with those requirements during the first 14 days of sickness the DM will consider whether the claimant can show a good reason for not complying taking into consideration the claimant's sickness along with any other reasons, facts and circumstances of the case when deciding whether to impose a low-level sanction.

#### Example

Meghan is required to attend a Jobs Fair on 12.9.17. She fails to attend and a sanction doubt is raised.

Meghan says she had flu for the period from 7.9.17 to 17.9.17 and was too ill to attend.

No work search or availability requirements can be imposed for the period of sickness and the DM considers whether Meghan has good reason for the failure to participate in the Jobs Fair.

Meghan's explanation is that she had flu.

From a health point of view it was appropriate and common sense for her to refrain from attending if she did indeed have flu as it could be passed onto other people and general medical advice would be to refrain from attending a public place. There is no contradictory or conflicting evidence that does not lend support to the credibility or plausibility of Meghan's account and no evidence of previous non-compliance.

The DM considers Meghan had good reason for not attending the Jobs Fair and no sanction is imposed.

## **Work-related requirements where sickness continues after 14 days up to the WCA**

K5303 Where a claimant reports

- 1.** a third episode of sickness in a rolling 12 month period **or**
- 2.** sickness that continues beyond 14 days (up to the point when the WCA process determines the claimant's capability for work)

any period of on-going sickness needs to be supported by a 'fit note' and the claimant is referred for the WCA<sup>1</sup>.

**Note:** See further guidance at [ADM J3226](#) et seq.

<sup>1</sup> [UC Regs, reg 99\(5\)\(c\)](#).

K5304 Where K5303 applies the work coach will consider what work-related actions may be necessary and reasonable in the individual circumstances. The work coach has the discretion to apply work search and work availability requirements after 14 days but any work-related requirements should be tailored to reflect the claimant's individual capabilities. Any requirements need to be reasonable based on the claimant's medical condition and individual circumstances and what they are able to do. For example; a claimant with vertigo would not reasonably be expected to apply for vacancies that involve working at heights such as a roofer, window cleaner or a Sky engineer.

K5305 Work coaches should use discretion and judgement to decide what activities would be practical and reasonable to set for the individual claimant in their circumstances. The claimant commitment should be reviewed and amended accordingly.

**Note:** Reasonable is not defined in legislation and so takes it's every day meaning of 'fair' and sensible' and 'as much as is appropriate' in the circumstances.

K5306 Whether a claimant can be sanctioned if they do not comply with any work-related or connected requirement will depend on

1. what is expected of them at the relevant time **and**
2. what was agreed on the revised claimant commitment **and**
3. whether the claimant can show a good reason for the failure to comply.

**Note:** The DM will consider each case on its individual merits, facts and circumstances having regard to the appropriate guidance for the relevant sanctionable failure. See guidance in [ADM Chapters K1 – K9](#).

**Example:**

Harry has a fractured wrist and provides a fit note for a period of 6 weeks from 22.8.17.

From day 15 of his sickness the work coach agrees a revised claimant commitment with Harry which refines his work search and availability requirements to being subject to work preparation requirements only.

His work-related requirements are tailored and limited to what is reasonable and practicable in his circumstances and it is agreed he will continue to participate in the Wp and attend interviews with his Wp provider.

Any referrals to work-related activities and job opportunities have to be restricted to his current capabilities taking account of his left hand being immobilised in a cast.

At day 29 of the sickness the work coach refers Harry for a WCA.

On 13.9.17 Harry fails to attend an interview with the Wp provider. Harry can show no good reason for the failure, he says he got up late and missed the bus.

The DM considers it was reasonable in Harry's circumstances to have expected him to attend the interview as agreed on his revised claimant commitment and the DM imposes a low-level sanction for the failure to participate.

On 18.9.17 Harry attends an interview with his Wp provider and refuses to apply for an identified job vacancy given to him by the provider.

Although Harry is a skilled machinist he is currently incapable of doing that occupation due to his fractured wrist and the start date for the successful applicant would be immediately for an agency on a sub-contracting basis.

The DM considers Harry has good reason for not applying for the vacancy and no higher-level sanction

can be imposed (for further guidance on higher-level sanctions see [ADM Chapter K3](#)).

## **Claimant continues to provide medical evidence after WCA**

K5307 Following a WCA, a DM determines if a claimant is

- 1.** fit for work and remains in the AWRR group **or**
- 2.** has LCW and enters the work-preparation group **or**
- 3.** has LCWRA and enters the NWRR group.

**Note:** The evidence that can be used to determine which conditionality group the claimant goes into is the WCA report with any other available evidence provided, i.e. 'fit notes'. This will be evidence to help the work coach decide and agree any appropriate limitations or restrictions on the claimant commitment with the individual claimant in line with what is reasonable in the individual circumstances.

K5308 Whichever conditionality group the claimant falls into as per K5307 will decide whether the DM can consider a sanction for any failure to comply with work-related requirements following normal processes and guidance for the appropriate conditionality group and relevant sanctionable failure.

**Note:** For guidance on conditionality groups see [ADM Chapter J3](#). For guidance on sanctions see [ADM Chapters K1 to K9](#).

K5309 – K5320

**The content of the examples in this document (including use of imagery) is for illustrative purposes only**

## **Fails to take part (including attend) in an interview (other than the initial interview) K5321 - K5340**

### **Meaning of participation in an interview**

K5321 Participation entails at least turning up at the place and time specified in the relevant notice, i.e. attending. However, participation also extends to making some meaningful contribution to the interview, for example by answering questions and completing relevant forms and includes all ways of taking part in an interview including the claimant's conduct and behaviours whether by

1. actual attendance (face to face) **or**
2. telephone **or**
3. electronic means (e.g. e mail or text message or via the on line journal).

**Note 1:** The requirement to 'participate' encompasses all types of interview and not just attendance at the office. For example, a failure to take part in an arranged telephone interview could not be regarded as 'attending'. Participation includes all manner of interviews by face to face, telephone or electronic means such as communication by on line methods such as via a journal.

**Note 2:** See full guidance on the meaning of failing to comply, conduct and behaviours in [ADM Chapter K1, Sanctions – general principles](#).

K5322 It is the Secretary of State who will specify the how, when and where and manner of participation in line with the obligations to notify outlined in the public law principles of fairness (see further guidance in [ADM Chapter K1](#)). From 8.10.18 the Secretary of State also has an obligation to ensure the 'substance' (i.e. the reason for the interview in basic terms) is notified to the claimant as well as the date, time and place and consequences of failure (see full guidance in [ADM Chapter K1](#)). This is so the claimant can prepare for the interview (for full guidance on the notification requirements and the meaning of 'substance' see [ADM Chapter K1](#)).

K5323 Participation will also include the claimant's conduct and behaviours during the interview. See full guidance on the meaning of failing to comply, conduct and behaviours in [ADM Chapter K1, Sanctions – general principles](#).

K5324 Any failure for no good reason to participate in an interview (other than the initial interview) that was validly notified to the claimant will attract a low-level sanction.

**Note:** See [ADM Chapter K2](#) for full guidance on good reason. See [K5020](#) for the reduction rate that will apply. Further guidance on the compliance condition to end the open-ended element of the sanction can be found in [ADM Chapter K1](#). Also see [ADM Chapter K1](#) for full guidance on ‘validly notifying work-related requirements’.

K5325 - K5340

# Group Sessions K5341 - K5350

## Group Sessions

K5341 Work coaches may invite a number of claimants to the Jobcentre at the same time to take part in a Group Session if taking part in that session is considered reasonable and appropriate for the individual claimants (also see guidance at K5342 to K5344).

**Note 1:** When selecting claimants to take part in any Group Session the work coach should take care to consider all the claimant's individual circumstances, in particular any limitations or restrictions, health conditions, caring responsibilities and vulnerabilities or complex needs which may affect whether it is reasonable and appropriate for them to take part. For example, some claimants may feel anxious about being in a group setting.

**Note 2:** Selection for participation in a mandatory Group Session should include tailored activity to the individual claimant's needs and claimants should not be referred to Group Sessions just to make up the numbers to fill the session.

K5342 The content of Group Sessions may include

1. information about conditionality requirements and general information about what is expected during a claim
  - to UC, better off in work calculations and advice on debt management and budgeting
2. details about how to go about finding suitable vacancies or training opportunities
3. specific information about
  - 3.1 a particular type of employment
  - 3.2 writing a good CV or updating an existing CV
  - 3.3 good drafting skills
  - 3.4 setting up an on-line profile
  - 3.5 how to complete a good job application
  - 3.6 good interviewing skills
  - 3.7 good job searching techniques.

This list is not exhaustive. A Group Session can include any activity identified by the Secretary of

State which is

more likely to move the claimant nearer to work as a work-preparation requirement<sup>1</sup> or can be simply an information session (GIS) or a mixture of the two.

**Note:** Whether or not taking part in a Group Session is voluntary or mandatory will be dictated by the content of the session and the expected outcome for each individual claimant (see K5343).

**1** [WR Act 12, s 16\(3\)\(g\) \(link is external\)](#)

### **Voluntary or mandatory participation in a Group Session**

K5343 A requirement to take part in a Group Session on a mandatory basis (under threat of sanction) will only meet the legal requirements of a work-preparation requirement<sup>1</sup>, i.e. an action for the purpose of making it more likely in the opinion of the Secretary of State that the claimant will obtain paid work, if

- 1.** there is a clearly identifiable and tangible benefit in terms of moving the individual closer to work **and**
- 2.** the content of the session has been identified as a specific need to assist the individual claimant towards work.

The consideration is what is there in the session that means for that individual claimant it is more likely they will find paid work by taking part.

**Note 1:** 'More likely' implies that something is reasonably expected to happen.

**Note 2:** For example, if it is identified that a particular claimant needs a CV (or a better CV). The Secretary of State can require participation in some activity that helps address that need as a work preparation requirement. A Group Session may be one way that need can be met with a group of claimants who also have that similar need identified.

If the session on CV writing means the claimant will leave with an improved CV, that would be tangible evidence that could improve the claimant's prospects of getting paid work (also see **Example 3** at K5344). However, if the session also includes advice on, for example, debt counselling, better off in work calculations, sanctions or conditionality information, whilst it may be desirable for claimants to know how working affects their finances and may be beneficial to them to have that information, it is not a specific activity that will mean it is highly likely the claimant will obtain paid work. In such a scenario as long as the claimant takes part in the CV writing element of the session they could not be sanctioned for not taking part in the rest of the session. **It is the CV writing element of the Group Session that meets the criteria for mandatory participation.**

**Note 3:** Group Information Sessions (GIS) which are designed to offer claimant's access to lots of useful information about claiming UC, claimant responsibilities whilst claiming, conditionality and sanctions, in work benefit calculations, debt counselling etc may be offered to claimants in a group setting and generally taking part in such a session will be voluntary. This means no sanction action can be taken if the claimant fails to take part. However, see guidance in **Note 2** where the session includes a mixture of information and tailored activity and **Example 3** at K5344.

1 [WR Act 12, s 16\(link is external\)](#)

K5344 If the session content fully meets the requirements of a work-preparation requirement<sup>1</sup> then a claimant can be mandated to take part in the session and normal sanction action can be taken as long as

1. the claimant has been adequately notified of the requirement (date, time place and purpose of the session) along with the consequences of failing to comply (see **Note 1.**) and
2. they can show no good reason for the failure<sup>2</sup>.

**Note 1:** See full guidance on validly imposing requirements and notifications in [ADM Chapter K1: Sanctions- general principles - the public law principles of fairness](#). Failure to adequately notify would mean a sanction could not be imposed for any failure to comply even if all the other conditions to sanction are met.

**Note 2:** See full guidance on good reason in [ADM Chapter K2](#). In particular, it will be crucial that **all** the claimant's reasons for not taking part and their individual circumstances are fully taken into consideration when deciding whether the claimant can show good reason and whether a sanction can be imposed (also see **Note** at K5341).

**Note 3:** If the session content is purely made up of information that has no tangible link to obtaining work then a claimant can be asked to take part in such a session on a voluntary basis but no sanction action could be taken if the claimant fails to take part. Also see the guidance at K5343 **Note 2** and **Example 3** where the session includes a mixture of general information and tailored activity.

**Note 4:** If a claimant fails to attend or take part in a mandatory Group Session for no good reason a low-level sanction can be imposed<sup>2</sup>. Careful consideration will have to be given to the compliance condition which has been set to end the open-ended part of the sanction to ensure it is still reasonable and achievable for the claimant. The compliance condition may need to be revoked or varied if another Group Session is not available within a reasonable length of time of the failure. For full guidance on the compliance condition see ADM Chapter K1 - Sanctions general principles.

1 [WR Act 12 s16; 2 s 27\(2\)\(a\)](#)

**Example 1**

The work coach identifies that Stuart needs some help improving his interviewing skills. A Group Session is being held at the Jobcentre which includes a session on interviewing skills and techniques. Stuart is

mandated to take part in the Group Session. If he fails to take part without a good reason a low-level sanction will be considered in the normal way. However, also see **Example 3** regarding which part of the session he failed to take part in when considering whether or not a sanction would be appropriate.

### **Example 2**

Leana is a recent new claimant on UC. A Group Session is to take place at the Jobcentre which includes lots of information about claimant responsibilities and how benefit can be affected if a claimant does not comply with activities on their claimant commitment and work plan and offers a better off in work calculation. The work coach asks Leana to attend the session. Taking part is voluntary and if Leana fails to attend the session no sanction action can be taken.

### **Example 3**

Ethan has been unemployed for 6 months. His work coach is of the opinion he would benefit from some training on how to complete a good job application. He has shown an interest in working in the retail sector. Ethan is set a requirement to take part in a Group Session at the Jobcentre which includes a session on how to complete good job applications and what the employer looks for in a good applicant by a representative from a local major supermarket.

Ethan attends the session but in the general information session regarding conditionality and sanctions he was asked to leave because he was disruptive by heckling and being rude. As Ethan attended and fully participated in the session on job applications a sanction cannot be applied for his failure to participate (his disruptive behaviour) during the remainder of the session. Whilst his behaviour was unacceptable and inappropriate and he was rightly asked to leave, participation in that part of the session was not mandatory and therefore he could not be sanctioned.

## **Compliance condition**

K5345 Where the DM imposes a low-level sanction for failing to attend or take part in a mandatory Group Session, careful consideration should be given to the compliance condition with regard to ending the open ended part of the sanction. This is normally the day before the day the claimant meets the compliance condition<sup>1</sup>. If this is set as attendance and participation at a mandatory Group Session, then another suitable Group Session might not be on offer for several weeks in the future so a new compliance condition would have to be set so that claimants are not faced with long open-ended sanctions unnecessarily. For further guidance on setting, reviewing and ending the compliance condition see [ADM Chapter K1](#).

<sup>1</sup> [UC Regs. reg 104 \(2\)\(a\)\(i\)\(link is external\)](#)

## **Session includes personal work-search review**

K5347 If the Group Session includes time to discuss the individual's work search review as well as general information delivered to the group, a sanction could only apply if the claimant failed to take part and provided no good reason for their non-attendance or non-participation in the work search element.

**Note:** The DM will have to be satisfied that the claimant was adequately notified of the requirement and exactly what the session entails along with the consequences of failing to take part as per the public law principles of fairness (see full guidance on validly imposing requirements and notifications in [ADM Chapter K1: Sanctions- general principles](#)).

### **Example**

Annabelle and Sydney are both invited to take part in a group session at their local Jobcentre at which a work coach will deliver a presentation to the group on 'better off in work' calculations followed by an individual review of what they have done to look for work over the last two weeks.

Annabelle does not attend the session and later provides her reason for not coming as "I forgot". There are no other mitigating factors. A low-level sanction can be applied as Annabelle failed to take part in a scheduled work-search review for no good reason.

The sanction is not imposed for the failure to take part in the Group Session but for the failure to take part in the work search review.

Sydney does attend the session but arrives late after the general presentation to the group but is on time for and takes part in his personal work search review. No sanction can be applied to Sydney's benefit regardless that he missed the presentation on 'better off in work' calculations.

K5348 - K5350

## Job Fairs K5351 - K5360

### Job Fairs

K5351 A Job Fair is an activity which would fall to be considered under a work preparation requirement<sup>1</sup>.

**Note:** A work preparation requirement is an activity set by the Secretary of State that a claimant take a particular specified action for the purpose of making it **more likely** in the opinion of the Secretary of State that the claimant will obtain paid work. Therefore requiring a claimant to take part in a Job Fair has to be legitimately related to the purposes of improving the claimant's prospects of obtaining paid work. For further guidance on the work preparation requirement see [ADM Chapter J3](#).

1 [WR Act 12, s 16](#)

K5352 Taking part in a Job Fair would normally meet the terms of a work preparation requirement by increasing the claimant's chances of finding paid work. It gives the claimant chance to meet employers, find out what types of jobs are on offer in certain sectors, what skills, knowledge and experience would be required for certain jobs, what training might be offered or if apprenticeships are available, hand CVs out to prospective employers and in some cases claimants can even apply for job vacancies.

**Note:** As long as the Job Fair is reasonable in the claimants circumstances then setting attendance and participation at a Job Fair would meet the terms of a work preparation requirement. For example we wouldn't require a claimant with no driving license to attend a Job Fair where the employers in attendance were haulage contractors and a HGV license would be required for the jobs on offer. It is important therefore for the work coach to correctly match the claimant with what's on offer at the Job Fair and make sure that it is reasonable in the claimant's circumstances to expect them to attend and take part.

K5353 As with all work-related requirements the claimant **must** be adequately notified of the requirement to attend and take part in a Job Fair in line with the public law principles of fairness. If a specific requirement has not been imposed correctly then no sanction can be imposed.

**Note:** For full guidance on the public law principles of fairness see [ADM Chapter K1](#).

K5354 A low-level sanction can only be imposed on a claimant's UC where

1. a claimant refuses or fails without good reason to comply with a work-related requirement<sup>1</sup> **and**
2. where the specific activity was adequately notified to the claimant as a work-related requirement<sup>2</sup>.

### **Claimant fails to attend the Job Fair**

K5355 Where a claimant fails to attend the Job Fair the DM would consider the following when making a decision whether to impose a sanction

1. was the requirement to participate in the Job Fair reasonable in the claimants circumstances
2. were they given adequate notification to be able to attend (time, date, place and consequences of failure)
3. can they show good reason for the failure to attend.

If the DM is satisfied the Job Fair was reasonable for the individual claimant, that they were adequately notified and there was no good reason for the failure to attend then a low-level sanction will apply<sup>1</sup>.

**Note:** See [ADM Chapter K2](#) for full guidance on the consideration of good reason.

1 [WR Act 12, s 27\(2\)\(a\)](#)

### **Claimant fails to participate at the Job Fair**

K5356 Where the claimant attends the Job Fair but fails to take part, the DM would consider all the normal considerations of good reason taking into account all the relevant facts, circumstances and evidence in the individual case. The failure could only be that the claimant failed to participate in the work preparation requirement to take part in the Job Fair for no good reason. Failure or refusal to take part in the Job Fair would not attract a higher-level sanction (see **Note 1**) even if there were vacancies on offer to apply for. The failure under consideration is not participating in the Job Fair which attracts a low-level sanction. For example the claimant may turn up but fail to engage with employers or hand in his CV or fail to apply for any vacancies on offer on the day. The DM would have to have conflicting or contradictory evidence of the claimant's actions and behaviours at the Job Fair. For example the claimant failed to apply for some job vacancies on offer but there is evidence such suitable vacancies were available and weigh up all the evidence to decide on the balance of probabilities what was most likely. If the DM is satisfied that the claimant did not participate and the claimant has no good reason for the failure then a low-level sanction can be applied<sup>1</sup>.

**Note 1:** A higher-level sanction for failing for no good reason to apply for a particular vacancy cannot apply to vacancies that may be on offer at a Job Fair as the provisions that the Secretary of State notified the requirement to apply for a specific job vacancy are not met. Full guidance is in [ADM Chapter K3](#) on when such failures can apply.

**Note 2:** In all cases the claimant has to be given the opportunity to provide reasons for their acts, omissions and behaviours which the DM will consider under good reason. Full and extensive guidance on good reason can be found in [ADM Chapter K2](#).

**Note 3:** Caution should be taken if considering work search in the week that includes the Job Fair as the DM should consider all that the claimant has done in the relevant 7 day period to move them nearer to employment and they may well have done sufficient, better or equal work search and have prospects of securing employment without participation in the Job Fair. For guidance on work search and medium -level sanctions see [ADM Chapter K4](#).

*1 [WR Act 12, s 27\(2\)\(a\)](#)*

### **Compliance condition**

K5357 Where the DM imposes a low-level sanction for failing to attend or take part in a Job Fair, careful consideration should be given to the compliance condition with regard to ending the open ended part of the sanction. This is normally the day before the day the claimant meets the compliance condition<sup>1</sup>. If this is set as attendance and participation at a Job Fair, then another suitable Job Fair might not be on offer for several weeks in the future so a new compliance condition would have to be set so that claimants are not faced with long open-ended sanctions unnecessarily. For further guidance on setting, reviewing and ending the compliance condition see [ADM Chapter K1](#).

*1 [UC Regs, reg 104 \(2\)\(a\)\(i\)](#)*

K5358 - K5360

## Change in conditionality group – setting new work-related requirements K5361 - K5999

### Change in conditionality group – setting new work-related requirements

K5361 Each claimant, regardless of which conditionality group (or regime) they have been allocated to, will be required to accept a claimant commitment which sets out their responsibilities in return for receiving UC. The claimant commitment should be reviewed and revised on a regular basis to ensure it is up to date and reflects the work-related requirements that are still appropriate to the claimant's individual circumstances.

**Note:** For full guidance on the claimant commitment see [ADM Chapter J1](#).

K5362 When a claimant moves between conditionality groups (or regime) they will be required to accept a revised claimant commitment. Where the change leads to the claimant and/or their partner being allocated to a new labour market group, it is important they are made aware of the change promptly including any consequences that may be appropriate, so they can continue to meet their labour market conditionality requirements. Claimants and their partners **must** always remain in the correct regime and know exactly what they are expected to do in return for UC.

**Note:** This includes a claimant moving from the 'intensive' to the 'light touch' AWRR regime. For full guidance on conditionality groups and regimes see [ADM Chapter J2](#).

K5363 Where there is a change of circumstances that leads to the claimant moving from one conditionality group to another, the individual is required to accept an updated claimant commitment (see [K5064](#)). Changes in circumstances are taken into account immediately for conditionality purposes and the labour market group or regime is changed when the change of circumstances is notified.

K5364 When claimants move conditionality group, or are in a conditionality group where taking part in a WFI is a requirement,

1. the claimant is placed in the conditionality group that reflects their circumstances irrespective of whether they have accepted a new claimant commitment from the relevant day of the change, (for example, from the child's 2nd birthday where the claimant is a responsible carer for a child under the age of 1)<sup>1</sup> **and**

2. the Secretary of State will decide whether the

**2.1** claimant is to be invited to an appointment to update and accept a new claimant commitment to reflect what is expected of them concerning any work-related requirements in light of the change in their circumstances **or**

**2.2** new commitments will be automatically placed in the journal with no requirement to take part in an interview<sup>2</sup> **and**

**3.** any existing sanction in place would be ended or changed as appropriate (see [ADM Chapter K9 – Sanctions: Amount of reduction](#)).

**Note:** The Secretary of State will decide whether the claimant is required to participate in an interview to discuss, draw up and accept the revised commitments based on the individual circumstances of the case. There is no mandatory requirement to require a claimant to participate in an interview to accept a revised claimant commitment. However, the Secretary of State **must** ensure the public law principles of fairness are met when notifying the claimant of the requirement to accept any new commitments and the consequences of failing to do so. See [ADM Chapter K1](#) for full guidance on the public law principles of fairness. Where an interview is required see the guidance at K5365. Where the Secretary of State decides there is no interview requirement, see the guidance at K5366.

1 [WR Act s 19; UC Regs, reg 104\(2\)\(a\)\(ii\)](#); 2 [WR Act s 14\(5\) & s 23](#)

### **Interview required to accept new claimant commitment**

K5365 Where the Secretary of State decides an interview is appropriate there is no legal basis to consider ending the award for failing to accept the claimant commitment if they fail to attend the interview, since the previous claimant commitment still applies, and requirements can be set outside of the claimant commitment if it is reasonable to do so by requiring participation (attendance) in an interview<sup>1</sup>. Any failure to attend would be considered under normal rules to consider good reason and whether a low-level sanction is appropriate. See further guidance on reviewing the claimant commitment at J1030 in [ADM Chapter J1](#).

**Note 1:** The claimant **must** be adequately notified of the date, time, place and reason for the appointment and the consequences of failing to comply in line with the public law principles of fairness established in case law. For guidance on validly imposing requirements and notifications see [ADM Chapter K1 - Sanctions: general principles](#).

**Note 2:** Where K5365 applies, if and only if the claimant attends the interview but fails or refuses to accept the new claimant commitment can the DM consider ending the award after a cooling off period. Failing to attend the interview can only ever be a sanctionable failure and there is no provision to end the

award. For further guidance also see ADM Chapter J1 at [J1030](#) et seq.

1 [WR Act 12, s 23](#)

### **Example**

Katie has been in receipt of UC for 12 months and has a daughter who's 2nd birthday is on 4.5.19. This means Katie will be moved from the WFI only group into the work-preparation group from 4.5.19 and a new claimant commitment will be required to reflect the new conditionality group.

On 13.12.18 Katie failed to attend a work-focused interview for no good reason and a lowest-level sanction was imposed for an open-ended period. The sanction is ended on the date of the change of conditionality regime on the basis that Katie can no longer comply with the requirement because she no longer falls within the WFI only conditionality group and she becomes subject to other work-related requirements. The sanction is ended on 4.5.19. (See [ADM Chapter K6 for further guidance on lowest - level sanctions](#)).

Although Katie's current claimant commitment does not require her to attend and take part in interviews other than a WFI, Katie can be required to meet a connected requirement to participate in an interview in order to set new work-related requirements and accept a new claimant commitment. This requirement is set outside of the current claimant commitment.

Katie is notified via her journal that she is required to participate in a commitments review interview with her work coach at the Jobcentre at 11am on 6.5.19.

On 29.4.19 the work coach phones Katie to explain that the current sanction will end on 4.5.19 and what the change of conditionality means for her now her daughter is aged 2. She explains she is required to attend the interview on 6.5.19 to set new work-related requirements and that if she does not take part for no good reason a sanction could be imposed. This would be a low-level sanction.

### **Interview not required - auto-generated claimant commitment**

K5366 Where the Secretary of State decides there is no requirement to interview the claimant and new commitments are automatically placed in the journal for acceptance, for example where the claimant moves into a different work group, the award will end, as long as the DM is satisfied appropriate notification was given to the claimant of the

- 1.** requirement to accept the new commitments **and**
- 2.** consequences of failing to comply with that request.

**Note 1:** The revised claimant commitment has taken the place of the previous one and legislation<sup>1</sup> provides that a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it.

**Note 2:** Usually the revised claimant commitment is placed in the claimant's on-line journal with a warning that the award will end in 7 days.

[1 WR Act 12, s 14\(5\)](#)

## **Claimant moves to the NWRR work group**

K5367 If a claimant moves to the NWRR conditionality group from the AWRR group, any existing open-ended sanction will end the day before the day on which the claimant falls into the NWRR group<sup>1</sup> and the fixed period applied. The Secretary of State will decide whether the claimant will be required to participate in an interview to set new work-related requirements. The guidance at K5361 to K5365 will apply accordingly.

[1 UC Regs, reg 104\(2\)\(a\)\(ii\)](#)

K5368 - K5999

# APPENDIX 1 - CwP scheme ends

[Early termination](#)

[Effect on sanctions](#)

[Compliance condition for low-level sanctions](#)

[Varying the compliance condition](#)

1 Unless paragraph 3 applies, the CwP programme will end on 27.10.16. The final date a work coach can refer a claimant to the CwP scheme is 31.3.16 and the last date claimants can participate in the CwP scheme will be 26.10.16.

2 Claimants referred to the CwP scheme prior to 31.3.16 will, generally, participate for the 30 weeks allotted time on the scheme. The exception is those claimants who either do not attend their initial engagement meeting or do not start the placement offered. Those claimants will be required to attend a standard work search interview to discuss the next steps to move the claimant closer to or into work with their advisor.

**Note:** The definition of and referral to CwP are removed from relevant legislation<sup>1</sup> from 20.11.17 as they are no longer in use.

[1 JSA \(SAPOE\) Regs, reg 3](#)

## Early termination

3 Referrals to the CwP scheme in certain areas will end early, i.e. at the close of business on Monday 29.2.16. Accordingly, the corresponding referral opportunities will also end at 6pm on that date and the last date a claimant can participate in the scheme for a provider affected by early termination will be 25.9.16.

4 The areas affected by early termination are:

1. CPA1 (Seetec) – covering East Anglia, Essex, and Bedfordshire & Hertfordshire districts
2. CPA 8 (Learn Direct) - covering all districts in Scotland
3. CPA 10 (Seetec) - covering Kent district along with the Surrey & Sussex sides of Berkshire, Surrey &

Sussex district **and**

**4.** CPA 14 (Seetec) - covering Black Country and Birmingham & Solihull districts.

**Note 1:** Referrals to the CwP scheme in these areas will not be made after 29.2.16.

**Note 2:** All CwP scheme providers, including those with early termination, are contractually obliged to deliver the provision, in full, for those claimants referred on or before the final referral date.

## **Effect on sanctions**

5 DM action should be undertaken as normal following current processes for considering a low-level sanction for any failures to participate in the CwP scheme received with a date of failure to participate on or before

**1.** 26.10.16 for CwP **or**

**2.** 25.9.16 for CwP providers with early termination (see paragraph 4).

**Note:** Any sanction referrals received with a date of failure to participate in the scheme after the last date a claimant can participate in the scheme should be cancelled.

6 The period of any sanctions applied will not be affected by the end of provision date. The appropriate sanction period is applied to either the

**1.** next available Assessment Period **and/or**

**2.** added to the TORP in the usual way.

It is the date of failure which is the important date for the DM to consider and that must occur on or before the last date for participation in the relevant scheme (see paragraph 5).

**Note:** For further guidance on applying sanctions see [ADM Chapter K1 \(General Principles – Sanctions\)](#).

## **Example**

Brie was referred to the CwP scheme on 30.3.16.

The provider is not one with an early termination date.

On 26.10.16 Brie fails to attend an appointment with her CwP provider by way of participation in the scheme.

The compliance condition is to contact the provider and agree and attend the first available appointment.

Brie makes no contact with either the provider or the UC outlet.

On 15.11.16 the DM considers Brie cannot show a good reason for the failure to participate in the CwP scheme on 26.10.16.

As the last date Brie can participate in the CwP scheme is 26.10.16, the open ended sanction begins and ends on 26.10.16 as the date of failure and the date of compliance would be 26.10.16 (see further guidance on compliance conditions at paragraphs 12 and 13).

A 7 day fixed low-level sanction is appropriate as there have been no previous low -level sanctions within 365 days of the date of the current failure.

The 8 day sanction is applied to the next available Assessment Period.

## **Compliance condition for low-level sanctions**

7 Where a claimant has been referred to the CwP scheme and a failure to participate results in an open-ended part of a low-level sanction being imposed, the date the open-ended sanction must end is on

**1. 26.10.16 or**

**2. 25.9.16 for CwP providers with early termination**

unless it can end sooner (see paragraph 8 to consider varying the compliance condition).

### **Example**

On 20.10.16 Asif should have attended an appointment with his CwP provider.

The provider is not one with an early termination date.

He has no good reason for the failure.

The compliance condition is to contact the provider and agree and attend the first available appointment. Asif makes no contact with either the provider or the UC outlet.

The open ended sanction will run from the date of the failure 20.10.16 and end on the last date the claimant can participate in the CwP scheme, i.e. 26.10.16. The fixed period low-level sanction will be imposed from 27.10.16.

## Varying the compliance condition

8 Where the claimant

1. makes enquiries to end the open-ended sanction before the end date of the scheme **and**
2. it is no longer reasonable or appropriate for the claimant to participate in the CwP scheme

the work coach should set a revised compliance condition that is reasonable and achievable before the end date of the scheme.

9 The revised compliance condition could be, for example, to attend an interview with the work coach to discuss next steps. The effective date of compliance would then be

1. the date the claimant complies with the revised compliance condition **or**
2. 26.10.16 **or**
3. 25.9.16 for CwP providers with early termination

whichever date is the sooner.

**Note 1:** The open ended part of a low-level sanction cannot run beyond 26.10.16 for a failure to participate in the CwP scheme or 25.9.16 for CwP providers with early termination (see paragraph 7). It must end on the last date a claimant can participate in the scheme.

**Note 2:** See further guidance on compliance conditions in [ADM Chapter K1](#).

### Example

Alicia has received a letter telling her she is to be sanctioned as she failed to attend an appointment with her CwP provider on 3.10.16.

The provider is not one with an early termination date.

Alicia does not have a good reason for failing to participate in the appointment on 3.10.16.

On 11.10.16 she phones the UC outlet. Her original compliance condition is to contact the provider and agree a date for future attendance and attend a re-arranged appointment. However as the last date a claimant can participate in this CwP provision is 26.10.16 this is no longer appropriate as the provider has told her there are no more appointments available.

The work coach makes an appointment to discuss next steps with Alicia on 12.10.16 and advises her that this is her new compliance condition and the open-ended sanction will end if she attends the interview.

Alicia attends and participates in the interview with the work coach on 12.10.16. Alicia can therefore be treated as having complied on 11.10.16, the date she made contact with the UC outlet.

The open-ended sanction will run from 3.10.16 (the date of the failure) until 10.10.16 (the day before the date of compliance).