UC & JSA(NS) CHANGES TO HIGHER-LEVEL SANCTIONS 2019

INTRODUCTION

1. This memo gives guidance on the Jobseeker’s Allowance and Universal Credit (Higher-level Sanctions) (Amendment) Regulations 2019, (JSA & UC (Higher-Level Sanctions) (Amdt) Regs 19), (S.I. 1357) which come into force on 27.11.19.

2. These regulations amend legislation so that the maximum period that can be imposed on a UC or JSA(NS) award from 27.11.19 for a higher-level sanctionable failure is 182 days.

3. The regulations also make transitional provisions to end any 1095 day higher-level sanction already imposed on an award of UC or JSA(NS) before 27.11.19 and, since the date the reduction took effect, 182 days of that sanction has been served. See further guidance at paragraph 5.
CHANGES FROM 27.11.19

4. From 27.11.19 regulations¹ are amended to remove 1095 day higher-level sanctions. This means the higher-level sanction period will be a reduction in benefit for

1. 91 days where there is no previous higher-level sanctionable failure or

2. 182 days for any subsequent higher-level sanctionable failure occurring within 365 days, but not within 14 days, of a previous higher-level sanctionable failure.

Note 1: The maximum period of a higher-level sanction applied to a UC or JSA(NS) award where the date of failure is on or after 27.11.19 can only ever be a maximum of 182 days (see Note 3. where the TORP applies).

Note 2: Where a higher-level sanctionable failure occurs within 14 days of a previous sanctionable failure where a 91 day sanction was imposed, the reduction period will also be for 91 days and will not escalate to 182 days. See ADM Chapter K3 for full guidance on UC higher-level sanctions and ADM Chapter S5 for guidance on JSA (NS) higher-level sanctions.

Note 3: The TORP rules apply as normal². See guidance in ADM Chapter K1-Sanctions – general principles.

Example

On 26.9.19 Mufaza fails to take up, for no good reason, an offer of paid work which was notified to her by the work coach. As this is Mufaza’s first higher-level sanctionable failure the reduction period will be for 91 days.

On 1.11.19 Mufaza fails to apply for a job, without good reason, which was notified to her by the work coach. This is a higher-level sanctionable failure and falls within 365 days, but not 14 days, of the previous higher-level sanctionable failure on 26.9.19. The reduction period will be for 182 days.

On 28.11.19 Mufaza fails to apply for a job, without good reason, which was notified to her by the work coach. This is a higher-level sanctionable failure and falls within 365 days, but not 14 days, of the previous higher-level sanctionable failure on 1.11.19. The reduction period will be for 182 days.

¹ UC Regs, reg 102 & JSA Regs 13, reg 19; ² UC Regs, reg 101
TRANSITIONAL PROVISION

5. Where an award of UC or JSA(NS) has already been reduced for a higher-level sanctionable failure for 1095 days, that sanction will terminate on either

1. 27.11.19, where on that date, 182 days of that sanction has already been served or

2. on the date after 27.11.19 when 182 days of that sanction has been served.

Note: Any TORP will be adjusted to deduct any remaining days of the 1095 day sanction that has been terminated.

Example 1
Lara had a 1095 day sanction applied to her award of UC. This was applied from 12.6.18. The sanction terminates on 27.11.19 as Lara has already served 182 days of the 1095 day sanction on 27.11.19. On 27.11.19 a total of 534 days of the 1095 day sanction has been served, therefore any TORP is reduced by 561 days.

Example 2
James had a 1095 day sanction applied to his award of UC. This was applied from 8.7.19. The sanction terminates on 5.1.20, the date when 182 days of the 1095 day sanction has been served. Any TORP would reduce by 913 days.

ANNOTATIONS

Please annotate the number of this memo (19/19) against the following ADM paragraphs: K3011, K3021 (Heading), S5006 and S4026.

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo 7/19 Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: November 2019
The content of the examples in this document (including use of imagery) is for illustrative purposes only.