

Freedom of Information request 438/2015

Received 30/1/15

Published

Information request

For clarification this

<https://www.whatdotheyknow.com/request/243744/response/607347/attach/html/2/FOI%205325%20Annex.pdf.html> only refers to JSA (legacy) and UC,

please share your zero hour contract guidance for 'JSA new style'

<https://www.whatdotheyknow.com/request/243744/response/611937/attach/html/2/Fol%20242.pdf.html>

DWP response

The Advice for Decisions Makers Guidance (ADM) is the same irrespective of whether the decision being made is about a Zero Hour Contract job or not. Section 21 of the Freedom of Information Act allows us to direct you to information which is already reasonably accessible to you. The information you requested is available on the Government's website. The relevant links to the ADM are provided in the Annex.

Where a claimant is awarded 'JSA new style' only, which refers to contribution based, Jobseeker's Allowance which was enacted under the Welfare Reform Act 2012 and the Jobseeker's Allowance Regulations 2013 (S.I 2013/378), there can be no mandation to any zero hours contract job (exclusive or not) and therefore there can be no sanction imposed for refusing employment, leaving voluntarily, or losing work because of misconduct.

Where a claimant is awarded 'JSA new style' and Universal Credit, to whom the Welfare Reform Act 2012 and the Universal Credit Regulations apply claimants who refuse to accept a zero hours contract job offer, without good reason, can be subject to a sanction. We have instructed Decision Makers not to impose sanctions on claimants failing to apply for or take up zero hours contract roles if they have an exclusivity clause.

Zero hour contracts give people valuable experience in the workplace and can act as a stepping stone to long-term employment. Universal Credit payments will adjust automatically depending on the hours a person works to ensure that people whose hours may change are financially supported and do not face the hassle and bureaucracy of switching their benefit claims.

The following links will provide you with further information:

Advice for Decision Makers (ADM) – Leaving Voluntarily (LV)

Decision Makers (DM) guidance which relates to Universal Credit is contained within the Advice for Decision Makers (ADM).

ADM Chapter K3 covers “Leaving Voluntarily”. The relevant part of this guide is K3192 – K3200. The guidance covers LV considerations for all types of jobs including where the job is a ZHC.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/359963/admk3.pdf

Decision Makers (DM) guidance which relates to JSA ‘new style’ is contained within the Advice for Decision Makers (ADM).

ADM for JSA (New World) and Higher Level Sanctions is ADMS5

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/359977/adms5.pdf

Advice for Decision Makers (ADM) – Good Reason

ADM Chapter K2 covers Good Reason, K2213 – K2221 refers to leaving a job voluntarily and again this relates to all jobs including ZHCs.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/288073/admk2.pdf