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Department
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Pensions



European Union
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Health Care Provider Guidance for ESA Pilots 18-24 Prognosis Month Claimants.

Chapter 4

Mandation and action to be taken if a participant fails to attend a mandatory interview.

This chapter covers:

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Mandation.

Following a work capability assessment placing these claimants into the ESA income related Work Related Activity Group (WRAG) 18 to 24 month prognosis these participants have been referred to you to take part in a series of interviews. All interviews are mandatory once notified.

The consequence of non attendance should be explained in full by Jobcentre Plus at the initial referral and by you during the booking process and during attendance at each interview. A sanctions letter is attached with every letter inviting the participant to attend an interview in person or by any other means.

Prior to the appointment, best practice

To ensure that participants are fully aware of the mandatory requirements of the interview it is suggested that prior to the interview the participant is contacted by telephone where possible. This will enable you to ensure that the participant has the chance to ask any questions about the interview and deal with any concerns. You will also be able to determine whether the interview date is suitable and reduce the non attendance rate.

Please note if the participant cannot attend the interview and contacts you before the interview date to rearrange this, assuming they have provided a good reason no referral to a Labour Market Decision Maker (LMDM) is required.

An example of a good reason would be as follows, please note this list is not exhaustive:

- a hospital appointment;
- a person with caring responsibilities and the person for whom care is provided had an accident, sudden illness or relapse in the case of a chronic condition which prevented the claimant from attending on the day;
- Suffered from any disability or health condition, which prevented them from attending on the day; or
- Has misunderstood any requirement given to them due to any learning, language or literacy difficulties

If a good reason is not given the original booking should remain.

Please note: As part of the interview booking process a record should be kept by you recording the reason for rearranging an interview to ensure that a pattern of non attendance is not emerging. If multiple interviews have been missed the interview should not be rebooked and if the participant subsequently fails to attend the matter should be referred to the LMDM.

Vulnerable Participants

Participants who have complex needs and require more support to access services. These are:

- Participants with complex needs or who require support to access DWP services and benefits;
- Require additional support due to a life event or personal circumstances (including disabilities, mental health conditions, learning disabilities or communications/cognitive issues);

- These participants may be struggling to look after themselves or others in their care; and
- They may have difficulties understanding or following our processes which may affect their well being.

Every effort should be made to see these participants before any referrals to a LMDM are considered.

Home visits should be considered for any of this group or for a participant who has disengaged for no apparent reason.

Actions

The following steps must be taken on every occasion when you book a face to face interview or an interview by other means:

- Telephone the participant to advise them of the interview details;
- If the participant has requested an alternative communication method as a reasonable adjustment this should be used;
- Notify the participant in writing of all interviews by issuing a Mandatory Interview Notification (See [Chapter 1](#) for copy) outlining the time, date and location of the interview - this must also be used for telephone interviews;
- Ensure that there is a contact number on the interview letter to enable the participant to contact you if there are special requirements;
- Ensure the interview location is in a reasonable travel distance and is accessible to the participant; and
- The MIN must be either handed direct to the participant or sent by post.

You must always take follow action up if the participant fails to attend the interview or attends but will not participate in the interview.

Participant fails to participate in an interview

If the participant attends the interview but refuses to supply answers to questions or behaves in an unacceptable way they have failed to participate in the interview and risk a sanction.

You should establish why the participant will not take part in the interview. If they continue to fail to comply you should complete the [HCP 08](#) part 4 and send to the LMDM. If the circumstances allow it you can rebook the interview, this will be treated as re-compliance. If the participant then fails to attend the new interview or will not participate the HCP 08 should be completed and sent to the LMDM.

Participant fails to attend an interview

If a participant fails to attend a meeting action should be taken the same day.

Actions

- If the participant has complex needs (vulnerable) ensure that action was taken to explain the mandatory requirements of the interview;

- Complete a form [HCP08](#) for all the pilots the same LMDM will be making the decisions to ensure there is consistency in decision making.
- The following information needs to go in the subject box;
 - HCP08
 - Participant's surname;
 - The last 3 characters of the national insurance number;
 - ESA 18-24;
 - completed example **HCP08 Bloggs 99c ESA 18-24**
 - sender contact details;
- Send form to Labour Market Decision Maker (LMDM) via unencrypted e-mail (for security only send one referral per e-mail.)WALSALL.LMDMA@DWP.GSI.GOV.UK. Please refer to [chapter 8 provider guidance](#), information security;
- For Multi Agency Public Protection Arrangement (MAPPA) cases and special Customer Records (SCR) send these records clerically. More information is available in [provider guidance chapter 2](#);
- If the participant has complex requirements(vulnerable), when completing the HCP08, explain the steps taken to ensure that the participant understands the requirement to attend the interview;
- Where a participant has failed to attend a further interview must be booked within 1 day of the fail to attend giving the 5 days notice of the new appointment;
- Issue a re-compliance letter. This includes the new interview booking; and if the participant fails to attend follow up interviews a further HCP 08 should be completed every time the participant fails to attend; and
- Non attendance of all notified interviews both face to face and by other means is subject to the same requirements and a HCP08 should be completed.

Consequences

Where you fail to undertake the [HCP08](#) process promptly, the participant may no longer be in receipt of benefit by the time the decision is made and the LMDM will be unable to potentially impose a sanction.

If you do not include all the relevant information on the HCP08, it will result in the LMDM having to go back to you for clarification, further delaying a sanction decision and causing more work for yourself and LM DM.

LMDM notifies provider and participant of the outcome

You will receive a copy of the outcome of the compliance doubt. This is irrespective of whether the participant has had a sanction imposed or not.

If the participant has stopped claiming benefit before or during the decision making process you will not receive a copy of the sanction. LMDM will inform the participant by letter.

A change of circumstances form will be sent to you as appropriate. (See [Chapter 1](#))

Actions

Record the outcome decision as this may be needed as evidence to support any further HCP08 referrals.

Sanctions

Sanctions that affect ESA participants in the Work Related Activity Group will affect 100% of their personal allowance.

The sanction is in two parts:

- Open ended period – which will be lifted when the participant re-complies with requirements; and
- Fixed period imposed- A first failure will attract a fixed period of a week; a second of two weeks, third and subsequent failures will attract a fixed period of four weeks. If a participant incurs more than 3 failures they will continue to receive 4 week fixed periods.

ESA Hardship Provision

If an ESA participant receives a sanction they will be eligible to apply for hardship from day 1 of the sanction. The participant will continue to receive the Work Related Activity Component. The hardship that a participant could be entitled to is 60% of the single persons prescribed amount. The claimant will only receive hardship payments if they are eligible and these will only be paid from the day they make a claim for hardship payment. The participant should apply for hardship at their Jobcentre.

Re-Compliance

If the participant contacts you and agrees to attend the next interview they have re-complied at this time.

Re-compliance will mean that the open ended period will stop and a fixed period will be imposed.

Action

- E- mail the LMDM in the Benefit Centre (BC) that the participant has re-complied on form [HCP09](#);
- Please complete the e-mail subject line as follows;
 - HCP09
 - Sender contact details
 - The re-compliance date is the date the participant contacted you to arrange their new interview.
 - Post [re-compliance letter](#) to the participant

LMDM notifies you of the outcome decision

Actions

- Note the outcome on your systems; and
- You must continue to engage with the participant irrespective of the outcome