

Withdrawn

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Annex 12 Sanctionable Failures: levels of sanctions

JSA claimants:

The Sanctions Regime applies to all Jobseekers Allowance (JSA) claimants who are 18 or over. It is based around three levels of sanctions. These levels apply to different Labour Market (LM) doubts that can occur on a JSA claim.

If a claimant has more than one sanctionable failure of the same level, the subsequent sanctions may escalate. A sanction escalates if it occurs within 52 weeks of a previous sanction of the same level **but not** within two weeks of a previous sanction of the same level.

Higher Level Sanctions will be imposed on JSA claimants who:

- leave work without a good reason to – known as Leaving Voluntary (LV)
- are dismissed from their job for Misconduct (Misc)
- Failed to Participate (FTP) in Mandatory Work Activity (MWA)
- refused to apply for a job, go to an job interview, or take a job that was offered to them – known as Refusal of Employment (RE); and
- Neglect to Avail of an employment opportunity. 'Neglect to Avail' is a rare doubt. It means failing to take advantage of an employment opportunity with a qualifying former employer. Usually Refusal of Employment is more appropriate.

Higher Level Sanctions are imposed for 13 weeks, 26 weeks or three years. The length depends on the number of times a claimant has committed a sanctionable failure which leads to a higher level sanction.

Intermediate Level Sanctions will be imposed for:

- not Actively Seeking Employment (ASE); and
- not being available for employment (Availability).

The total length of the penalty imposed will depend on whether or not the claimant has previous availability or ASE sanctionable failures within the last 52 weeks.

Low Level Sanctions are imposed on JSA claims for the following:

- Failing to Attend (FTA) an adviser interview.
- Failing to participate (FTP) in Employment, Skills and Enterprise (ESE) scheme.
- Failing to comply with a Jobseeker's Direction.
- Refusing or FTA a programme or training course.
- Losing a place on a programme or training course through misconduct.
- Neglect to avail of a place on a programme or training course.

The length of the sanction depends on whether the claimant has had a previous low level sanction within 52 weeks.

UC Claimants:

There are 4 levels of sanctions applicable to UC claimants. These are:

- Higher
- Medium
- Low
- Lowest

For UC claimants undertaking ELR (S/W), low level sanctions will be applied where the claimant:

- Fails to attend and participate in the PCA meeting in relation to ELR:
- Fails to attend and participate in ELR training.

Low level sanctions

Low level sanctions will be applied to claimants who are subject to All Work-Related Requirements or are in the Work Preparation Group (subject to work-preparation and Work Focused Interview requirements) and who fail without good reason to meet any work-related requirement (or connected requirement).

There will be two components to a low level sanction for claimants aged 18+. An open ended component equal to the number of days from the date of failure until:

- the day before the date the claimant meets a compliance condition
- the day before the date the claimant moves to the No Work-Related Requirements Group
- the day before the date the claimant is no longer required to undertake a particular action under the work-preparation requirement
- the date the award is terminated (other than by reason of the claimant ceasing to be or becoming a member of a couple)

plus

- a fixed period of 7 days
- 14 days if there has been a low level sanction with a fixed period of 7 days applied for a failure within 365 days, but not within 14 days, of the date of the current failure.
- 28 days if there has been a low level sanction with a fixed period of 14 or 28 days applied for a failure within 365 days, but not within 14 days, of the date of the current failure.