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Department
for Work &
Pensions

English Language Requirements (Scotland and Wales) Provider Guidance

**(JSA, UC ESA WRAG claimants and IS Lone Parent
claimants with youngest child over 3)**

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Section 1 – Claimant Group and Claimant Referrals

This section covers:

- [Introduction](#)
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Introduction

- 1.01 The English Language Requirements (ELR) provision in Scotland and Wales targets claimants who are disadvantaged in the labour market by their standard of English speaking and listening skills. ELR aims to raise the confidence of claimants and improve their chances of being competitive in the labour market. In Wales, to support the dual status of English language and Welsh language, ELR provision will support the option of improving the standard of a claimants Welsh speaking and listening skills where Jobcentre Plus identify it appropriate to the individual.
- 1.02 This DWP Provider Guidance supports you, the Prime Provider, in the delivery of ELR provision on behalf of the Secretary of State for Work and Pensions. It forms part of your contract and provides guidance on processes and requirements, supporting the programme, contract details and the legal arrangements for delivery.
- 1.03 This guidance must be read in conjunction with:
- the Invitation to Tender;
 - the English Language Requirements Contract Package Information; and
 - [DWP Generic Provider Guidance](#) – some hyperlinks have been embedded for ease of reference throughout this programme specific guidance.
- 1.04 If there is any conflict between the contract and this guidance, the contract takes precedence. If there is any conflict between the specification and this guidance in relation to DWP's internal procedures and processes, this guidance takes precedence.
- 1.05 You must ensure that any organisations with which you have a sub-contractual relationship also have access to, read and understand, this guidance and associated documents listed at para 1.03.

Claimant Groups

- 1.06 ELR is aimed at claimants making a new claim to Jobseeker's Allowance (JSA) or Universal Credit (UC) (in the Intensive Work Search regime of the All Work Related Requirements Conditionality Group) whose English speaking and listening skills, or in Wales, Welsh skills, are below Entry Level 2 (E2) (equivalent to seven to nine year olds) or in Scotland Access Level 3 (A3).
- 1.07 For the latest information on UC rollout please visit the [GOV.UK](https://www.gov.uk) site.
- 1.08 Employment and Support Allowance (ESA) Work Related Activity Group (WRAG) claimants and Income Support (IS) Lone Parents (LPs) with the youngest child over 3 years of age will also be referred to this provision. **Please note:** that these referrals will be on a Voluntary basis and cannot be sanctioned. Therefore they **must not** be referred to the Labour Market Decision Maker (LMDM) if they fail to attend or fail to participate in the Provider-Claimant Assessment (PCA) or ELR training.

Genuine Prospect of Work (GPoW) Interview

- 1.09 Some claimants referred to ELR will have limitations on their right to stay in the United Kingdom and will be subject to the Genuine Prospect of Work (GPoW) interview. Claimants identified as being subject to the interview will need to demonstrate a genuine prospect of work, for example, a formal notification of employment or offer of employment at the three month stage of their benefit claim. Those failing to demonstrate a genuine prospect of work will have their benefit terminated and as a result will be ineligible to continue on ELR.
- 1.10 Claimants subject to the GPoW interview will be identified prior to referral. Where the claimant is required to attend a GPOW interview the date will be provided as part of the referral information.
- 1.11 The Provider-Claimant Assessment (PCA) should be completed as for any other claimant but for GPoW cases, and only GPoW cases, you will also need to determine whether or not you have sufficient time to undertake training where you assess the claimant's skills as below E2/A3.
- 1.12 Where ELR training is required but:
- you decide there is insufficient time to proceed with the claimant's training requirements; or
 - a change in the claimant's circumstances results in them becoming subject to a GPoW interview and you are unable to complete the training requirement, you should ensure that the Summary Report information includes the number of weeks training you estimate the claimant would need to improve by one level. [See 'PCA identifies training is not appropriate' for action to take on PRaP.](#)

Referrals and Value Added Tax (VAT)

- 1.13 It is a Provider's responsibility to check ELR referrals in relation to their VAT status to ensure compliance with HMRC notice 701/30, specifically section 9. Claimants who are:
- speakers of English as a **first** language are **VAT Recoverable** under COS 65
 - speakers of Welsh as a **first** language are **VAT Recoverable** under COS 65
 - speakers of English as a **foreign** language are **VAT exempt**
 - speakers of Welsh as a **foreign** language are **VAT exempt**.
- 1.14 It is not anticipated that any claimants with English or Welsh as a first language will have listening and speaking skills below the level of a 7-9 year old because they are more likely to have literacy and numeracy rather than speaking and listening needs. PRaP has one opportunity set up for ELR referrals for claimants who have English as a second language. Payments will therefore be made as VAT exempt.
- 1.15 As the Contracted Provider, you have the ultimate responsibility to ensure VAT is accounted for and claimed correctly. Therefore if you do happen to receive a referral for a claimant who is a speaker of English as a first language you will need to contact Jobcentre Plus to discuss how these claimants should be treated before taking any further action.

ELR Referrals – Wales

- 1.16 The following paragraphs are only applicable to claimants who are:
- living in Wales; and
 - referred to ELR provision in Wales.
- 1.17 Acknowledging the dual status of English language and Welsh language, ELR provision in Wales will be required to accommodate situations where a Jobcentre Plus work coach refers an individual unable to speak both English and Welsh to the required standard. The Jobcentre Plus work coach will determine whether the individual is to be referred to improve their listening and speaking skills in either English or Welsh language.
- 1.18 There will be no requirement for a Welsh speaker to learn English because the Welsh language has dual status to the English language in Wales. For a monoglot, a person who can only speak Welsh, in Wales, where their spoken level is below E2, under the initiative it is agreed that the aim of the speaking and listening training will be to move them up one level in Welsh language improving their chances of finding work.
- 1.19 In the majority of cases, where a person in Wales (indigenous or migrant) is identified as having spoken and listening skills below E2 in English, they will be referred to English language training as English is the predominant language of employment. The option to learn Welsh will only apply in areas where Welsh is the predominant

language of employment and where a Jobcentre Plus work coach identifies that the absence of Welsh language skills is the main barrier to finding employment.

- 1.20 The Jobcentre Plus work coach will inform you when arranging the Provider-Claimant Assessment (PCA) if the claimant is being referred to improve their Welsh speaking and listening skills.

Note: There will not be a specific opportunity on PRaP for claimants referred to learn Welsh – you will therefore need to keep a clerical record for claimants referred to improve their Welsh speaking and listening skills. See [Annex 9](#).

- 1.21 You will need to comply with the Welsh Language Act 1993 and provide Welsh speaking staff (where appropriate) to undertake the PCA and any subsequent training/exam deemed to be required for claimants referred to the Welsh Language option.
- 1.22 Your customer facing documentation will need to be made available in Welsh for Welsh speaking claimants who request it and for those referred to the Welsh Language ELR option, for example, mandation (MAN) letters, learning plans and certificates.
- 1.23 For the remainder of this guidance, where “English Language” is referenced, Providers supplying ELR Provision in Wales will need to assume that this also applies to the Welsh Language training, unless otherwise stated.

Note: Claimants who are mandated to learn Welsh but have Welsh as a first language will be VAT recoverable under the same rules as [claimants with English as a first language](#).

ELR Referrals

- 1.24 Jobcentre Plus work coaches will refer eligible claimants by contacting you and arranging a one to one, face to face Provider-Claimant Assessment (PCA) for the claimant.
- 1.25 You must have a designated point of contact to:
- manage telephone calls;
 - arrange the PCA to take place within ten calendar days of JCP making the referral via the PRaP system;
 - provide the Jobcentre Plus work coach with the date, time and location of the PCA;
 - **(Providers in Wales only)** make a clerical record of any claimant referred to improve Welsh speaking and listening skills; and
 - accept the Provider Referrals and Payments (PRaP) system referral the day after the referral is made by Jobcentre Plus.
- 1.26 Jobcentre Plus will:

- supply the claimant with the date, time and location of the PCA;
- ensure that the claimant understands that they are committing to attend and participate and the consequences of failing to do so;
- mandate the JSA / UC claimant to attend and participate in the PCA by issuing a mandation (MAN) letter to the claimant;
- refer ESA WRAG claimants and IS LPs with the youngest child over 3 years of age. These will be Voluntary, and will not be mandated. You must issue the letter at [Annex 14](#) or [Annex 15](#); and
- tell you if the claimant has limited time on ELR as a result of being subject to the Genuine Prospect of Work (GPoW) interview.

1.27 All referrals will be made electronically into PRaP. The information included in all PRaP referrals will include:

- full name (including title)
- National Insurance Number
- address and contact telephone number (where available)

1.28 Referrals for claimants in receipt of JSA, ESA or IS will be made via LMS (Labour Market System). All referrals made via LMS will have:

- a Purchase Order number that begins with a '1'; and
- information from the claimants Action Plan. This information can be found in the PRaP referral within the "Aims" field;

1.29 Referrals for claimants in receipt of UC will be made via WSP (Work Services platform) system. All referrals made via WSP will have:

- a Purchase Order number that begins with a '2'.

1.30 Please see [Universal Credit \(UC\) referrals](#) for further information on UC referrals.

1.31 **Please Note:** The referral will not be available to you in PRaP until the day following the Jobcentre Plus referral. It should also be noted that while the vast majority of referrals will be made through PRaP, there maybe a very small number of referrals sent to you clerically, for example, Special Customer Records (SCR) which cannot be sent via the PRaP system (further information regarding SCRs can be found in [Chapter 2 of Generic Provider Guidance](#)).

1.32 You must take the appropriate action to acknowledge ELR referrals on PRaP within one day of the referral date.

Please Note: In the exceptional case of a referral being made in error Jobcentre Plus may contact you to request you reject/cancel the referral (see [Annex 3](#) - Inappropriate Referrals).

- 1.33 The Jobcentre Plus referral date is the start of the allotted time period, automatically calculated by PRaP, in which claimants must complete their training requirement. With the exception of claimants subject to the [GPoW interview](#), you will have up to 20 weeks to deliver training and for the claimant to achieve an accredited certification within a maximum allotted time of 26 weeks, from the Jobcentre Plus referral date.
- 1.34 Claimants subject to the GPoW interview will be referred with a notified interview date and will need to leave ELR prior to that date. You should be notified by the Jobcentre when they contact your Single Point of Contact (SPoC) to request a PCA appointment for claimants subject to the GPoW interview and also as part of the information provided via PRaP.
- 1.35 Following arrangement of the PCA, Jobcentre Plus will refer JSA, ESA WRAG and IS LPs with the youngest child over 3 years of age who access and participate in ELR provision on a Voluntary basis, claimants via PRaP. The information provided will include the claimant's full name, National Insurance Number (NINO), address and contact details as a minimum. See the section Universal Credit (UC) referrals for information on UC claimants.
- 1.36 Where a JSA, ESA WRAG or IS LP claimant has informed Jobcentre Plus that they have a disability or health condition this will also be included, however details about their disability or health condition will not be included on PRaP.
- 1.37 Claimants with a disability or health condition may require reasonable adjustments and additional support/arrangements. You should ensure that this information is sought as part of your initial contact or confirmed if you were given information when arranging the PCA.
- 1.38 The PRaP referral may contain additional information which will need to be taken into account when planning attendance such as:
- attendance restrictions agreed with Jobcentre Plus ; and/or
 - notified childcare/caring needs, impacting lone parents or carers.

Universal Credit (UC) Referrals

- 1.39 For UC claimants, some information cannot be sent electronically and therefore you will also be sent a clerical notification form for each referral. The type of information included in the UCPR1form (Additional Information for PRaP Referral) is outlined below:
- If a claimant has informed Jobcentre Plus (JCP) that they have a health condition. **Please Note:** You will be notified when a UC claimant has informed JCP that they are disabled; however this will not include what their disability is. Claimants with disabilities may require reasonable adjustments and additional support/arrangements. You should ensure that this information is sought from the claimant as part of your PCA as well as:

- A claimant's attendance arrangements;
 - If a claimant has childcare/caring needs, such as lone parents or carers;
 - A claimant's preferred working pattern and details of any employment restrictions e.g. any restrictions on their availability, which have been agreed by JCP; and
 - Activities already undertaken and details of qualifications (where available).
- 1.40 The UCPR1 form will be sent by post on the same day the PRaP referral is made. If you have not received the UCPR1 form by the 4th working day from the date of referral you should contact the Work Coach at Jobcentre Plus. A duplicate UCPR1 will be issued immediately by post.
- 1.41 **Please Note:** You may start engagement activities without having received the UCPR1 form as information in respect of any special arrangements that may need to be in place will have been notified to you by JCP during the referral phone call.

Claimant Commitment (CC) information

- 1.42 JSA and UC claimants referred to ELR will have agreed a Claimant Commitment (CC) with Jobcentre Plus which outlines the jobseeking actions a claimant must carry out in order to give them the best chance of getting into work. It places a strong focus on the responsibility that claimants have to do all they can to look for work in return for the support they receive from the State.
- 1.43 Although the CC is an agreement between JCP and the claimant, you should ask the claimant for a copy so that you can better tailor the support to meet the claimant's needs. It should be noted though that the claimant is not mandated to share their CC with you if they choose not to.

JSA CC information displayed in the Action Plan 'Aims' field

- 1.44 Moving to the CC has resulted in changes to the way important information will be delivered and displayed via the PRaP referral for JSA claimants. The Purchase Order – Action Plan Items – 'Aims' field will now detail the key information you need regarding:
- types of work the claimant is seeking;
 - any agreed participation restrictions (regarding availability or work restrictions);
 - confirmation that a claimant is subject to the GPoW interview, if appropriate; and
 - the date of the GPoW interview.
- 1.45 The 'Aims' field will be annotated with 'JSA Claimant Commitment Case' to ensure you can identify where the information in this field must be taken into account when planning your delivery. Where no participation restrictions apply the 'Aims' field will instead detail 'no restrictions apply'.

- 1.46 The “Aims” field of PRaP will not be populated for UC referrals. This information should be shared with you by JCP when they telephone to arrange the PCA. In addition to this, JCP will also send you the UCPR1. The additional information can be found in Part 4 of the UCPR1.

Please Note: If the ‘Aims’ field does not detail either participation restrictions, or ‘no restrictions apply’ you must telephone and query this with your Jobcentre Plus Single Point of Contact (SPoC).

- 1.47 The claimant’s PRaP purchase order will also detail ‘Other Activities’ and ‘Agreed Restriction’ fields which may contain historical information which must be ignored. The only participation restrictions you are required to take into account when planning your delivery will be contained in the ‘Aims field’ within the action plan section of the referral.

Identifying claimants requiring additional support

- 1.48 When Jobcentre Plus call to arrange a PCA they will tell you of any additional support required in order for the claimant to attend. You will need to ensure that the required support is in place for the date time and place you agree for the PCA which must take place within ten calendar days of the PRaP referral. It is your responsibility as a provider to cover the cost of any additional support which the claimant requires to enable them to fully participate in ELR.
- 1.49 Providers should routinely check information within the PRaP referral to ensure that claimants requiring additional support have not been missed. Where PRaP indicates that additional support is required and you were not made aware when agreeing the PCA date, you should contact the claimant to discuss and ensure that additional support is in place prior to them attending the PCA.
- 1.50 In the unlikely event that you are unable to provide the necessary support prior to the PCA date you should contact Jobcentre Plus to discuss and agree the action to take.

Contacting the claimant

- 1.51 When making contact with claimants, you must ensure that in all communications with claimants or their advocates you are satisfied that you are engaging with the correct person. To do this, you may decide to ask them to state a combination of their personal information such as; full name, address, NINO, or other information from details provided within the PRaP referral, or other details you may hold from a verifiable and reliable source.

Section 2 – Claimant's face to face Provider-Claimant Assessment meeting, ELR training and Mandation

This section covers:

- [Provider-Claimant Assessment \(PCA\)](#)
 - [PCA identifies that ELR training is not appropriate](#)
 - [PCA identifies that claimant requires ELR training](#)
- [Mandating claimants to ELR training](#)
- [ELR training](#)
 - [Induction](#)
 - [Reviewing the agreed training periods with claimant](#)
 - [Communicating your feedback and complaints procedure](#)
 - [Identifying additional support requirements](#)
 - [Learning plan](#)
 - [Identifying claimant participation restrictions](#)

Provider–Claimant Assessment (PCA)

- 2.01 There is a contractual requirement to carry out a face to face Provider-Claimant Assessment (PCA) and record the Start on PRaP. You must do all you can to ensure the PCA takes place within ten calendar days of Jobcentre Plus making a referral via the PRaP system.
- 2.02 Where claimants notify you of difficulties in attending you should:
- contact Jobcentre Plus to discuss;
 - remind those claimants who are mandated to attend and the consequences of not attending the PCA; and
 - re-arrange the PCA for the earliest possible date accommodating restrictions notified by Jobcentre Plus. If you are unable to accommodate a new appointment within ten calendar days from referral you are advised to keep a record of the circumstances for performance management purposes and arrange the PCA for the earliest possible date.
- 2.03 Where a claimant fails to attend or notifies you of non-attendance for reasons which are unacceptable, when discussed with Jobcentre Plus, take DMA action as detailed in [Section 4](#). Although you are responsible for the initiation of the sanctions process, the Labour Market Decision Maker (LMDM) / Universal Credit Decision Maker (UCDM) Team (see [Annex 6](#)) have the responsibility for making a decision as to whether or not a sanction should be applied to the claimant's benefits.
- 2.04 When arranging the PCA for an ESA WRAG claimant or IS LP with the youngest child over 3 years of age, who access and participate in ELR provision on a Voluntary basis, you should advise them to notify you as soon as possible if they are unable to attend so that you can arrange another suitable time and date. You should also notify JCP that they are unable to attend and advise if another date has been arranged.

2.05 Where a claimant attends their PCA you must:

- confirm identity and record attendance;
- confirm the claimant's first language and if this is English, follow inappropriate referral action to return the claimant to Jobcentre Plus support;
- undertake a claimant diagnostic using a standardised assessment tool to establish the claimant's English speaking and listening skills; and
- complete and retain a Summary Report for each claimant to include, as a minimum:
 - the claimant's assessed level of English speaking and listening skills;
 - the assessment tool and process used ;
 - where the claimant's English speaking and listening skills are assessed at being below E2/A3, the additional training needed to improve their skills by one level; and
 - GPoW claimants who are not progressing to training as a result of time limitations also include the reason you are unable to progress with the claimant's training requirement and the estimated number of training weeks required to improve the claimant's English speaking and listening skills by one level.

PCA identifies that ELR training is not appropriate

2.06 In the following circumstances a claimant will not progress to ELR training if:

- their English speaking and listening skills are assessed at or above the required standard (E2/A3); or
- they are subject to a GPoW interview and training is determined to be impractical within the time available.

In these cases:

- access PRaP to ensure you have taken action to accept the referral, record the date of the PCA to claim a Start Fee and end the referral (see [Appendix 5](#));
- forward a copy of the claimant's Summary Report to Jobcentre Plus, within ten calendar days, to inform further contact with the claimant. **Note:** in GPoW cases ensure the claimants' estimated training requirement to improve by one level is included within the Summary Report; and
- end the referral on PRaP using the appropriate reason code.

PCA identifies that claimant requires ELR training

2.07 Where a claimant is assessed as having English speaking and listening skills below E2/A3, take the following action:

- **GPoW cases only** consider the time limitation notified for the claimant and determine whether or not it is practical for you to deliver ELR training see [PCA identifies Training is not appropriate](#) for actions to take where you decide not to proceed with Training;
- contact Jobcentre Plus to confirm the requirement for the claimant to attend training;

- undertake a frank and open discussion with the claimant to identify any training needs/objectives and concerns. The claimant should be given the option to say if they feel ELR training is not appropriate for them and to have their views and reasons recorded;
- [formally mandate to ELR training](#) by completing and issuing a mandation letter to cover the duration of ELR training. Ensure you retain a copy of the mandation letter for your records;
- **Please note:** ESA WRAG claimants and IS LPs with the youngest child over 3 years of age who access and participate in ELR provision on a Voluntary basis **must not** be mandated. You must issue the letter at Annex 14 (or Annex 15);
- send a copy of the claimant's Summary Report to Jobcentre Plus;
- access PRaP to accept the referral and record the date of the PCA to claim a Start Fee.

Mandating claimants to ELR training

- 2.08 Where you have identified that a claimant requires ELR training, you must work with the individual at the PCA to agree suitable training and participation requirements (up to a maximum of 16 hours per week). Claimants who are qualifying young persons should be limited to 12 hours training per week. It is particularly important, given the language limitation of claimants referred to ELR, that you take time to ensure the individual understands what they are being asked to do, have the opportunity to explain any objection they might have to being referred to ELR training, what mandation means and the consequences of failing to comply with the training arrangements they agree with you. You will then mandate the claimant to attend the period of training discussed and agreed.
- 2.09 **Please note:** ESA WRAG claimants and IS LPs with the youngest child over 3 years of age who access and participate in ELR provision on a Voluntary basis, **must not** be mandated. They must be issued with the letter at [Annex 14](#) or [Annex 15](#).
- 2.10 Mandation involves notifying the claimant in writing of the specific action that they are required to undertake and that only mandated actions have sanctionable consequences. You must ensure there is a clear link between cause and consequence (that failing to comply with a mandated activity will result in a sanction being imposed if there is no good reason for non-compliance).
- 2.11 Where claimants have agreed attendance and participation restrictions with Jobcentre plus (and only where Jobcentre Plus have notified you as detailed on the PRaP referral) you must not mandate claimants to undertake training that contradicts these restrictions. In the unlikely circumstance that a claimant is referred where notified restrictions make it impossible for you to complete the training requirement contact Jobcentre Plus to agree the action you should take. This will apply to both JSA and UC claimants.
- 2.12 Time spent travelling to and from training locations must not be included in the hours of attendance. Travel duration and distance must be appropriate and reasonable to the

claimant's circumstances and should not exceed 90 minutes to or from training locations (via public transport).

2.13 You will also need to:

- agree an appropriate length of training with the claimant, taking account of any attendance restrictions notified by Jobcentre Plus and the claimants existing English listening and speaking skills. Training will be for a maximum of 16 hours per week, and with the exception of GPoW claimants, will last up to 20 weeks;
- in GPoW cases timescales will be notified, wherever possible, prior to the PCA. You could have up to a maximum of 13 weeks to work with GPoW claimants. In exceptional cases a claimant may become subject to a GPoW interview as a result of a change in their circumstances. Jobcentre Plus will contact your SPoC to discuss the individual case and agree the action to be taken in these cases;
- take account of any business closures affecting the individual and their learning. You must ensure that these closures are factored into the timings of the individual claimant's training period;
- formally notify the claimant of agreed arrangements on the appropriate Mandatory Activity Notification letter (MAN) JSA MAN 1 or UC MAN. This should include details of the claimant's agreed training period, location, and expected times and dates of attendance;
- For UC claimants ensure that the [compliance condition](#) is clearly described and notified;
- ensure that the claimant is aware of the consequences of failing to attend and/or participate/comply within the ELR training agreed;
- ensure that you give the JSA MAN 1 or UC MAN letter to the claimant in the PCA meeting; and
- create a [Learning Plan](#) for the claimant and record agreed training (the details included on the JSA MAN 1 or UC MAN letter).

2.14 You may detail multiple weeks of attendance on one notification provided you ensure you clearly detail the claimant's attendance/participation requirements.

2.15 When mandating claimants to undertake ELR training you must ensure you clearly detail the claimant's required attendance also stating what the claimant must do to demonstrate compliance/ completion (please see Annex 1a (JSA) or Annex 1b (UC) for an example of the mandation letter in English Annex 2a (JSA) or Annex 2b (UC) for Welsh).

Example attendance plan to be included in MAN

For the period **22nd September to 28th September** you are required to participate in **ELR training** for **15 hours**.

Day	Date	Morning Attendance		Afternoon Attendance	
		From	To	From	To
Monday	22 nd September	9:00	12:00	-	-

Tuesday	23 rd September	9:00	12:00	-	-
Wednesday	24 th September	9:00	12:00	-	-
Thursday	25 th September	9:00	12:00	-	-
Friday	26 th September	9:00	12:00	-	-
Saturday	27 th September	-	-	-	-
Sunday	28 th September	-	-	-	-

For the period **29th September to 5th October** you are required to participate in **ELR training** for **ten hours**.

Day	Date	Morning Attendance		Afternoon Attendance	
		From	To	From	To
Monday	29 th September	9:00	12:00	13:00	16:00
Tuesday	30 th September	9:00	11:00	12:00	14:00
Wednesday	1 st October	-	-	-	-
Thursday	2 nd October	-	-	-	-
Friday	3 rd October	-	-	-	-
Saturday	4 th October	-	-	-	-
Sunday	5 th October	-	-	-	-

*The above is an example only, the seven day week should detail dates and represent the start date + the following 6 days e.g. Monday - Sunday, or Wednesday - Tuesday depending on the day the period starts and must detail attendance for the duration of the period being notified.

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- 2.16 You must document any change in circumstances which alters the location, dates and/or times of the claimant's attendance or participation, and you must issue a new JSA MAN 1 or UC MAN letter to cover any new arrangements to the claimant and retain a copy for your records.
- 2.17 You must ask the claimant to sign for the initial JSA MAN 1 or UC MAN letter and any subsequent JSA MAN 1 or UC MAN letters that are issued to confirm issue and that the claimant understands that they are being mandated to attend and participate within the activities stated. You must make it clear to the claimant that this is for DWP and your audit purposes only and there is no legal requirement for the claimant to do so. If the claimant refuses to sign for any JSA MAN 1 or UC MAN letter as requested, you must note this on the claimant's record and the Summary Report which you return to Jobcentre Plus.
- 2.18 You must ensure that the issue of the JSA MAN 1 or UC MAN letter to the claimant is fully documented within your records as this information will be required for validation checks and maybe needed to support sanction action should the claimant fail to attend and/or participate as required.
- 2.19 Where you mandate a UC claimant, you must always take the required DMA action if the claimant fails to comply with the mandated activity. You must also ensure you have

a mechanism in place to identify and report where a UC claimant subsequently meets a compliance condition in relation to the mandated activity.

UC claimant compliance conditions

2.20 When mandating a UC claimant to undertake an activity and completing the UC MAN letter you are required to inform them of the compliance condition at the same time as notifying the mandatory activity (original requirement). This is to ensure the claimant knows in advance what they should do if they fail to meet the requirement.

2.21 The only approved compliance condition for ELR (S/W) is:

Mandatory Activity Notification Requirement	Claimant Compliance Condition if the claimant fails to comply
Attend and participate fully in ELR training.	To contact the Provider to agree to attend and participate fully in ELR training.

2.22 In addition to the information contained in the UC MAN letter, the claimant would benefit from further verbal clarification of how the sanction regime could affect them. However, if the claimant raises any specific questions around their sanction rates you should refer them to Universal Credit for advice.

2.23 UC claimants are expected to contact the UC service centre if they are unable to attend any training as this may affect their UC claim. This is set out in their Claimant Commitment. Therefore, if the UC claimant contacts you, you will also need to refer them to the UC service centre.

2.24 Further information on levels of sanctions is available at [Annex 12](#).

ELR training

2.25 ESA WRAG and IS LPs with the youngest child over 3 years of age will be referred on a Voluntary basis and **must not** be mandated. However, they must still receive the same level of training that is required for mandated claimants, for example (list is not exhaustive):

- [identifying any additional support requirements](#);
- records of weekly attendance and the hours of training undertaken
- [creating a Learning Plan](#);
- [reviewing the agreed training periods with the claimant](#);
- training for a maximum of 16 hours per week for any period of up to 20 weeks but must be completed within 26 weeks period of allotted time
- complete and retain a [Summary report](#); and
- all planned activities for a claimant must be recorded within your records as evidence may be requested for checks and audit and to validate any outcome fees.

- 2.26 You must provide or source training to improve each claimant's English speaking and listening skills by at least one level, for example, from below E1/A2 to E1/A2 or from E1/A2 to E2/A3.
- 2.27 Individual training requirements may last for a maximum of 16 hours per week for any period of up to 20 weeks but must be completed within 26 weeks period of allotted time.
- 2.28 In GPoW cases individual training requirements may last for a maximum of 16 hours per week but training weeks may be limited by the notified GPoW interview appointment date. GPoW interview dates will take place at the three month stage of the benefit claim.
- 2.29 The allotted time period starts on the day Jobcentre Plus make the referral on PRaP (the PRaP referral date) and ends 26 weeks later.
- 2.30 In GPoW cases where notification of the interview prevents completion of the training requirement and the claimant attaining a certificate, you will need to end the referral.
- 2.31 Where you think that the claimant has the aptitude and you are able to condense training prior to the notified GPoW interview date, undertake a learning plan review. If the claimant's attendance restrictions allow and the revised training requirement can be accommodated within the 16 hours per week maximum issue a new mandation letter to cover the details of the agreed training period. These would be exceptional circumstances and a Certification Outcome Fee would be payable.
- 2.32 In all cases where you haven't taken action to end a referral earlier the referral will be automatically ended on PRaP when the 26 weeks of allotted time ends.
- 2.33 All mandatory activities must be agreed and confirmed to the claimant in writing using a JSA MAN 1 or UC MAN letter. All planned activities for a claimant must be recorded within your records as evidence may be requested for checks and audit.
- 2.34 **Please note:** ESA WRAG claimants and IS LPs with the youngest child over 3 years of age, will access and participate in ELR provision on a Voluntary basis. Therefore you must **not** mandate these claimants. You must issue them with the letter at Annex 14 or Annex 15.

Induction

- 2.35 As part of delivering ELR training, you are required to put plans and processes in place to ensure a comprehensive induction is delivered to each claimant including:
- [reviewing the agreed training periods with the claimant](#) ;
 - explaining what constitutes appropriate behaviour whilst participating in ELR training and the consequences of claimants not behaving in line with expected standards;

- [communicating your feedback and complaints procedure](#);
- communicating your health and safety, fire and evacuation and first aid arrangements for each location/training centre the claimant will be expected to attend;
- [identifying any additional support requirements](#);
- [creating a Learning Plan](#) for each claimant in conjunction with each claimant detailing training, achievement and job goals, ensure that the claimant signs to say that they understand this and providing them with a copy; and
- [identifying claimant participation restrictions](#).

Reviewing the agreed training periods with the claimant

- 2.36 You must review the required hours for which the claimant is required to attend training (as stated in the JSA MAN 1 or UC MAN letter), ensure that each claimant understands that it is their responsibility to attend and participate and the consequences of failing to do so as part of the ELR training induction.
- 2.37 **Please note:** For ESA WRAG claimants and IS LPs with the youngest child over 3 years of age, who access and participate in ELR provision on a Voluntary basis, you must review the hours for which the claimant is expected to attend training (as stated in the Annex 14 or Annex 15 letter).

Communicating your feedback and complaints procedure

- 2.38 You must ensure that you fully explain your feedback and complaints procedure to each claimant as part of the PCA meeting. For further information regarding Complaints Resolution please see [Chapter 2 of Generic Provider Guidance](#) and the [Core briefing pack for provider's complaints resolution](#)).

Identifying additional support requirements

- 2.39 Additional support is defined as any support that enables the claimant to participate fully in provision, for example, specialist equipment, adaptations and aids etc. You must, as part of your obligations under the duties in the Equality Act 2010 take the necessary steps to obtain and bear the costs of providing special aids or services that might be needed for attendance and participation at both the PCA meeting and ELR training. This excludes claimant travel and childcare costs which will be met via Jobcentre Plus from the Flexible Support Fund (FSF).
- 2.40 Claimants who are referred to ELR may require an interpreter to help them to understand their responsibilities. The provider is responsible for arranging and funding interpreters where needed.

- 2.41 Claimants must not be worse off financially by virtue of attending ELR. Claimants can therefore be reimbursed for appropriate travel and approved child care expenses incurred as part of attending ELR through the Jobcentre Plus FSF. The claimant should have been advised about this by their Jobcentre Plus work coach prior to their attendance at the PCA.
- 2.42 If a claimant asks you about travel and/or child care costs, you should tell them to contact Jobcentre Plus or to discuss this with their Jobcentre Plus work coach at their next appointment.

Learning Plan

- 2.43 You must chart, record and review all training agreed with the claimant throughout their time on the provision on a Learning Plan. The Learning Plan must also include outcomes of any discussions with the claimant and information about the claimant's job goals and aspirations following training.
- 2.44 You must agree the Learning Plan with the claimant as part of the induction. Both you and the claimant should sign the Learning Plan. You should retain the original document for your records and ensure a copy is given to the claimant for their retention.
- 2.45 A regular, at least fortnightly, review of the Learning Plan should also take place as part of training. The review should ensure any changes to training activity agreed with the claimant and their achievements are documented.
- 2.46 You must retain the Learning Plan as evidence of compliance with the minimum service delivery standards, as detailed within the content of your successful tender and the ELR contract. As a minimum documents should be retained for a period 18 months after the end of the financial year in which payments are made. Retention periods are subject to change which will be notified should they occur.

Identifying claimant participation restrictions

- 2.47 Where Jobcentre Plus has notified you that a claimant has participation restrictions within the discussion to arrange the PCA and/or within the PRaP referral, you must work with the claimant to ascertain whether restrictions will affect their attendance and/or participation at your training centre.
- 2.48 ESA WRAG claimants and IS LPs with the youngest child over 3 years of age, who access and participate in ELR provision on a Voluntary basis, should also have any participation restrictions discussed with them and these should be taken into account prior to issuing the letter at Annex 14 or Annex 15.
- 2.49 If at the induction stage the claimant discloses additional restrictions to attendance and/or participation you should discuss with Jobcentre Plus as a matter of urgency. Where additional restrictions are agreed with Jobcentre Plus they will need to be taken

into account within the Learning Plan and a revised JSA MAN 1 or UC MAN letter must be issued.

- 2.50 If ESA WRAG claimants and IS LPs with the youngest child over 3 years of age who access and participate in ELR provision on a Voluntary basis, disclose any additional restrictions to attending and / or participating you should discuss with Jobcentre Plus as a matter of urgency. These should also be discussed and taken into account whilst developing the Learning Plan and prior to issuing the letter at Annex 14 or Annex 15.
- 2.51 [Chapter 2 of Generic Provider Guidance](#) gives more details about Safeguarding Vulnerable Groups.

Section 3 – Participation, absences and changes of circumstances

This section covers:

- [Participation requirements](#)
 - [Acceptable Absences](#)
 - [Unacceptable Absences](#)
 - [Sickness](#)
 - [Benefit Conditionality while participating on ELR](#)
- [Claimant Changes of Circumstances](#)
 - [Claimant leaves and then reclaims benefit](#)
 - [Claimant changes address](#)
 - [Claimant changes address in local area](#)
 - [Claimant changes address outside local area](#)
- [Claimant holiday entitlement](#)
- [Business Closures \(Stop Weeks\)](#)
- [Bank Holidays / Christmas and New Year opening](#)

Participation requirements

- 3.1 Each claimant will be mandated by Jobcentre Plus to attend and participate fully in a face to face ELR Provider-Claimant Assessment (PCA). Where a claimant is assessed as having English speaking and listening skills below E2/A3 they will be mandated to undertake ELR training unless the claimant is subject to the [GPoW interview](#) and there is not enough time to progress the claimants English listening and speaking skills by one level.
- 3.2 You will need to take account of any agreed attendance/participation restrictions notified by Jobcentre Plus and agree attendance dates and times with the claimant. The arrangements you agree must then be confirmed within a formal mandation JSA MAN 1 or UC MAN letter which you must record and issue to the claimant.
- 3.3 For ESA WRAG claimants and IS LPs with the youngest child over 3 years of age who access and participate in ELR provision on a Voluntary basis, you will also need to take account of any agreed attendance/participation restrictions notified by Jobcentre Plus and agree attendance dates and times with the claimant. Any arrangements you agree should then be confirmed within the letter at Annex 14 or Annex 15 and issued to the claimant.
- 3.4 You will also need to agree a Learning Plan with the claimant detailing the training activities which they are required to undertake.
- 3.5 You must ensure that you can evidence records of weekly attendance and the hours of training undertaken which should be endorsed by both you and the claimant. This information may be required at any time to confirm compliance/non-compliance.

Acceptable Absences

- 3.6 Acceptable absences are those specified as participation restrictions for the claimant by Jobcentre Plus on referral. Where the claimant notifies non-attendance you must notify Jobcentre Plus within 24 hours in accordance with local arrangements. Jobcentre Plus will advise on whether the absence is authorised or not and confirm any sanction action to be taken if required.
- 3.7 When arranging the training for an ESA WRAG claimant or IS LP with the youngest child over 3 years of age, who access and participate in ELR provision on a Voluntary basis, you should advise them to notify you as soon as possible if they are unable to attend so that you can arrange another suitable time and date. You should also notify JCP that they are unable to attend and advise if another date has been arranged.

Unacceptable Absences

- 3.8 If you are informed, or you establish that a claimant is absent (and has not made contact to inform you why they could not participate) you must start Decision Making and Appeals (DMA) action by completing and sending form JSA ELR (S&W) DMA 01 to Labour Market Decision Maker (LMDM) (see [Annex 6](#)).
- 3.9 **Please Note:** For UC referrals, form UC 192 ELR will need to be sent securely by post to the Mail Opening Unit (see [Annex 6](#)).
- 3.10 You must also ensure that you retain all relevant information to support DMA action within your records.
- 3.11 **Please note:** ESA WRAG claimants and IS LPs with the youngest child over 3 years of age who access and participate in ELR provision on a Voluntary basis, **must not** be referred to the LMDM.

Sickness

- 3.12 It is the claimant's responsibility, as part of benefit conditionality, to notify Jobcentre Plus when they are sick. However, if the claimant or a training provider informs you, or you establish that the claimant is absent due to sickness, you must notify Jobcentre Plus within one day of being notified. Jobcentre Plus will take any appropriate action and will notify you by phone/COC form as to whether or not the claimant will return as soon as they are able to. You will need to record the sick absence within your records and reflect within the claimants training records. Where the claimant returns you will need to review the planned training activity. Where changes are necessary amend training records and confirm all revised mandatory activity by issuing a new JSA MAN 1 / UC MAN letter.
- 3.13 **Please note:** ESA WRAG claimants and IS LPs with the youngest child over 3 years of age who access and participate in ELR provision on a Voluntary basis, **must not** be mandated. You must issue them with a new letter at Annex 14 or Annex 15.

- 3.14 In an ELR provision week where a claimant has a period of participation but then becomes sick, you may count this sickness period towards the provision week requirement (for a maximum of the remainder of the current provision week only and you must ensure you record this). For example, where a claimant fully participated on a Monday and Tuesday but was sick for the remainder of the week, you may claim this as a provision week.
- 3.15 **Please note:** You may not count a subsequent ELR training week until the claimant is fit to continue and returns to participate in ELR training.

Benefit conditionality while participating on ELR

- 3.16 Whilst on ELR, claimants will remain on JSA/UC and therefore will be required to attend the Jobcentre for work search reviews (generally fortnightly) and confirm they are continuing to meet JSA/UC conditionality (actively seeking and available for work). Wherever possible Jobcentre Plus will arrange a suitable time to ensure that this or any other required attendance does not impact negatively on the claimant's ELR training.
- 3.17 Where it is not possible to make such an arrangement, and a claimant's Jobcentre Plus work search review falls within a proposed period of attendance you must allow claimants time to attend and ensure that reasonable (in the claimant's circumstances) travel time from the ELR training location to the attendance site and back again is factored into mandated attendance.
- 3.18 In these circumstances you may count the claimant's travel and attendance at Jobcentre Plus work search reviews towards the claimant's weekly attendance but must ensure you document and evidence the time.

Claimant Changes of Circumstances

- 3.19 It is the responsibility of the JSA claimant to notify Jobcentre Plus, or Universal Credit claimant to notify UC Service centre, of any change in their circumstances that occur whilst they are on ELR provision. Where a claimant informs you of a Change of Circumstance (CoC), you are to direct claimants to report the change to Jobcentre Plus / UC Service Centre immediately.
- 3.20 Jobcentre Plus will review the CoC and notify you, where appropriate, of the change. Jobcentre Plus will do this in accordance with established local arrangements followed up with a written notification of the CoC. You must then consider the impact of the CoC on your delivery for the claimant, for example, changes to restrictions in attendance/participation requirements may require the claimant's Learning Plan to be reviewed and a new JSA MAN 1 or UC MAN letter to be issued.

- 3.21 **Please note:** ESA WRAG claimants and IS LPs with the youngest child over 3 years of age who access and participate in ELR provision on a Voluntary basis, **must not** be mandated. You must issue them with the letter at Annex 14 or Annex 15.
- 3.22 You should be aware that a change of circumstances may affect European Economic Area (EEA) claimants subject to the GPoW interview. Jobcentre Plus will advise you where this is the case.

Claimant leaves and then reclaims benefit

- 3.23 Where a claimant's benefit claim ceases (having started but not completed ELR) and they subsequently reclaim JSA or UC, Jobcentre Plus will reassess the claimant's circumstances and make a decision on whether they should return to ELR.
- 3.24 Where a claimant has previously started ELR training and leaves benefit for less than six weeks, Jobcentre Plus will contact you to arrange a re-engagement meeting to signpost the claimant back to ELR. In this case there will **not** be another electronic referral and you will not be paid a further Start Fee. The allotted time of 26 weeks(13 weeks for GPoW claimants) will continue from the original PRaP referral date.
- 3.25 Where a claimant has started ELR training and has had a break in claim of more than six weeks and Jobcentre Plus decides that ELR training is still appropriate, a new referral will be made and the claimant will need to attend a further PCA. In these circumstances a further Start Fee will be payable. You will need to access PRaP and take the appropriate action to close the original referral for the claimant and accept the new referral. (see [Appendix 5](#))
- 3.26 A new allotted time period of 26 weeks will start from the date on which the new referral is made. PRaP will automatically end the referral at the end of the allotted time where referrals remain open. Referrals for claimants subject to GPoW will not be automatically ended by PRaP as they will either complete their training requirement prior to their GPoW interview date or will need to be ended as they leave ELR to attend their GPoW interview.
- 3.27 Where a claimant returns to ELR training you will be required to review and agree the claimant's learning plan and issue a new mandation notification letter JSA MAN 1 or UC MAN to confirm the revised training period, location, dates and times.

Claimant leaves and benefit ends

- 3.28 JSA / UC claims will end where claimants no longer wish to claim or they no longer meet the conditions of entitlement and their claim is terminated. If a claimant has not made a new claim to JSA / UC and been signposted back to you, within six weeks, you will be notified by Jobcentre Plus to end the referral.

- 3.29 Claimants leaving ELR to attend a GPoW interview will not return and referrals should be ended on PRaP using the end reason 'Referred to Other Suitable Provision' on the date they leave ELR.

Claimant changes address

- 3.30 Jobcentre Plus will notify you if a claimant changes their address and also if the change affects the claimant's participation in ELR training.

Claimant changes address in local area

- 3.31 Once the claimant has started ELR, if the change of address means that the claimant continues to attend a Jobcentre Plus office within your contract area, their participation on ELR training will be unaffected. However, if the change means that the claimant will attend at a Jobcentre Plus office outside your contract area, Jobcentre Plus will consider if continued participation in ELR training is appropriate for the individual claimant.
- 3.32 If the ELR training location remains in the claimant's local travel to work area then participation should continue (claimants are not required to participate at any location which would normally take the claimant more than 90 minutes via public transport to travel to or from their home).

Claimant changes address outside local area

- 3.33 JCP will notify you if a participant changes their address and also if the change affects the claimant's participation (claimants are not required to participate at any location which would normally take the claimant more than 90 minutes via public transport to travel to or from their home).

Claimant holiday entitlement

- 3.34 Jobseeker's Allowance Regulations allow claimants to be treated as actively seeking employment when away from home on holiday (within GB once in a rolling 12 month claim period) but they must be willing and available to return immediately to take up employment.
- 3.35 UC makes no specific allowance for claimants to take a holiday. Claimants in the Intensive Work Search regime of the All Work Related Requirements Conditionality Group must continue to demonstrate that they are both searching for work for their required hours and they are available for work.
- 3.36 Where a JSA / UC claimant informs you in advance that they have a pre-booked holiday and will be unable to comply with mandated activity, you must direct the claimant to report this to Jobcentre Plus. Jobcentre Plus will check with the claimant to

ensure they will be available and actively seeking employment throughout the proposed period and will notify you if the absence is acceptable and authorised.

- 3.37 Once a claimant has been referred to ELR, if they subsequently request a holiday, this will be refused and claimants must continue to attend as mandated and should they fail to comply you must raise a DMA referral.
- 3.38 Periods of holidays cannot be counted towards weeks of participation for ELR training.
- 3.39 **Please note:** ESA WRAG claimants and IS LPs with the youngest child over 3 years of age who access and participate in ELR provision on a Voluntary basis, **must not** be referred to the LMDM but you must notify Jobcentre Plus.

Business Closures (stop weeks)

- 3.40 Where you operate on standard closures, specified weeks where the business closes, commonly known as stop weeks, ELR training should be planned to avoid these weeks. Standard closures will not be counted as participation weeks for ELR training.

Bank Holidays / Christmas and New Year opening

- 3.41 Where a bank holiday(s) falls in a planned training week the claimant will not be required to attend ELR training on the day(s) of the bank holiday(s). The week will still count as a training week were the claimant attends for the required hours in that week (dependent upon participation restrictions).
- 3.42 If you sub contract and your training provider closes additional days over Christmas, New Year or for religious holidays particular to the training provider, you will be expected to plan accordingly to exclude these weeks from the claimant's mandated training hours.
- 3.43 Claimants will not be expected to attend on the standard bank holiday days. For Christmas and New Year these are:
- Christmas Day;
 - Boxing Day;
 - New Year's Day; and
 - Second of January (Scotland only).
- 3.44 The relevant weeks will still be counted as training weeks where the claimant attends on the remaining days.
- 3.45 You must ensure your designated point of contact for the booking of PCAs is resourced where Jobcentre Plus referral offices are open over business closure periods.

Section 4 – Failure to attend and/or participate

This section covers:

- [ELR Starts](#)
- [Failure to comply and Decision Making](#)
- [Failure to attend the Provider-Claimant Assessment \(PCA\) JSA](#)
- [Failure to attend the Provider-Claimant Assessment \(PCA\) UC](#)
- [Re-referring of JSA claimants who fail to start \(New Referrals\)](#)
- [Re-referring of UC claimants who fail to start \(New Referrals\)](#)
- [Failure to attend ELR training as mandated \(JSA\)](#)
- [Failure to comply as mandated](#)
- [Failure to attend ELR training as mandated \(UC\)](#)
- [Unacceptable Behaviour](#)
- [Claimant to be dismissed from ELR due to misconduct](#)
- [DMA referrals via unencrypted e-mail](#)
- [UCDM notifies provider and claimant of the outcome \(UC\)](#)
- [Further information required by LMDM / UCDM team](#)
- [Decisions, Reconsiderations and Appeals](#)

ELR Starts

- 4.1 A claimant has to attend a face to face Provider-Claimant Assessment (PCA) meeting in order for you to record an ELR Start. The contractual target for a Start being achieved is within ten calendar days of Jobcentre Plus making the referral via the PRaP system.
- 4.2 The ELR Start date will be the date on which a claimant attends the PCA and must be recorded in PRaP within one day of the meeting taking place (this will trigger the request for an ELR Start Fee).

Failure to comply and Decision Making

- 4.3 You are responsible for the initiation of the sanctions process. The Labour Market Decision Maker (LMDM) / Universal Credit Decision Maker (UCDM) Team (see [Annex 6](#)) will then have responsibility for making a decision as to whether or not a sanction should be applied to the claimant's benefits.
- 4.4 The claimant's attendance and participation within ELR is mandatory. If a JSA claimant notifies a failure to attend and/or fails to participate, as mandated you are required to notify Jobcentre Plus within one day of failure to comply. You will need to record the information within your records and Jobcentre Plus will advise on whether or not the absence is authorised.
- 4.5 If a claimant fails to attend without any contact to explain why, complete form JSA ELR (S&W) DMA01 and send it to the LMDM Team (see [Annex 6](#)) to start Decision Making and Appeals (DMA) action.

- 4.6 **Please Note:** For UC referrals, form UC 192 ELR will need to be sent securely by post to the Mail Opening Unit (see [Annex 6](#)).
- 4.7 Jobcentre Plus should also be notified and advised about any claimant's misconduct and/or dismissal from ELR training.
- 4.8 Jobcentre Plus will make all decisions on any sanction action to be taken.
- 4.9 **Please Note:** The sanction regime for ELR JSA claimants is a 4 week benefit sanction for the first offence followed by a further 13 week benefit sanction for any second and/or subsequent offence within 12 months (where a second failure is more than 14 days after the first failure). The sanction will remain in place even if the claimant re-engages with ELR.
- 4.10 Further information on levels of sanctions is available at [Annex 12](#).
- 4.11 **Please note:** ESA WRAG claimants and IS LPs with the youngest child over 3 years of age who access and participate in ELR provision on a Voluntary basis, **must not** be referred to the LMDM but you must notify Jobcentre Plus.

Failure to attend the Provider-Claimant Assessment (PCA) (JSA)

- 4.12 Where a claimant fails to attend their Provider- Claimant Assessment (PCA) you are required to make a DMA referral directly to the appropriate LMDM team (see [Annex 6](#)) within one day of failure to attend.
- 4.13 Do not ask the claimant why they did not attend. You must make an immediate referral (within one day). The LMDM team will request information regarding the failure from the claimant, consider the reasons given and decide whether the claimant has shown good reason for their failure to attend.
- 4.14 To make a DMA referral for failure to attend:
- Complete the ELR (S&W) DMA 01 form and e-mail it to the appropriate LMDM Team (see [Annex 6](#)); and
 - update PRaP by recording Did Not Attend (DNA). This will close the referral.

Failure to attend the Provider-Claimant Assessment (PCA) (UC)

- 4.15 Where a UC claimant fails to attend their PCA you are required to make an immediate (within 1 working day) sanction referral directly and securely by post to the Mail Opening Unit using form UC 192 ELR (see [Annex 6](#)). You will also need to update PRaP (within one day of the failure to attend).
- 4.16 Do not ask the claimant why they did not attend. You must make an immediate referral (within 1 working day). The UCDM team will request information regarding the failure

from the claimant, consider the reasons given and decide whether the claimant has shown good reason for their failure to attend.

4.17 The actions you are required to undertake are:

- You must complete and send the ELR (S/W) UC 192 Failure to Participate' form to the Universal Credit Service Centre;
- **Please Note:** Referrals will need to be sent securely by post to the Mail Opening Unit (see [Annex 6](#)); and
- Update PRaP in the 'Orders' tab selecting 'Cancel – Did Not **Attend**' (This action will close the referral in PRaP and you are not required to take any further action in relation to the claimant).

Re-referring of JSA claimants who fail to attend the PCA (New Referrals)

- 4.18 Where a claimant has failed to attend their PCA as mandated, Jobcentre Plus will be notified via the action you take in PRaP (recording the Did Not Attend (DNA) - which will close the referral).
- 4.19 Jobcentre Plus will then establish the reasons why a claimant may have failed to attend/start and will establish if ELR support remains appropriate. Where Jobcentre Plus establish that ELR support remains appropriate for a claimant they will make a **new** referral, following the same process in which the original referral was made (ringing you, booking a PCA meeting and making a new electronic referral on PRaP – see [Section 1](#)).

Re-referring of UC claimants who fail to attend the PCA (New Referrals)

- 4.20 Where a UC claimant has failed to attend their PCA as mandated, the Universal Credit Service Centre will be notified via the action you take in PRaP (recording the Did Not Attend (DNA) or Did Not Start (DNS) - which will close the referral).
- 4.21 Universal Credit will then establish the reasons why a claimant may have failed to attend/ start and will establish if ELR support remains appropriate. Where Universal Credit establish that ELR support remains appropriate for a claimant they will make a **new** referral, following the same process in which the original referral was made (i.e. ringing you, booking a PCA and making a new electronic referral).

Failure to attend/participate in ELR training as mandated (JSA)

- 4.22 Where a JSA claimant fails to attend/participate in ELR training as mandated you are required to make a sanction referral and keep supporting evidence.
- 4.23 At the end of the provision week, you must complete the ELR (S&W) DMA 01 form and e-mail it to the appropriate LMDM Team where a claimant has failed to comply in a mandated activity.

- 4.24 It is important to note that the information from the JSA MAN 1 letter is copied onto the ELR (S&W) DMA 01 form rather than the JSA MAN 1 letter being attached. The LMDM Team will work on the assumption the claimant was correctly [mandated and notified](#).
- 4.25 Following a DMA referral, it is your responsibility as a provider to re-engage with the claimant to arrange for them to attend training. This should be done as soon as possible so that the claimant receives on going support. Claimants will not be asked to return to Jobcentre Plus at this point.
- 4.26 You are not required to establish why the claimant failed to comply to determine whether or not to make a sanction referral. You are required to make a referral irrespective of whether or not the claimant offers an explanation afterwards. The LMDM team will consider the reasons given and decide whether the claimant has shown good reason for their failure to participate. If the claimant tells you the reason you should record this on the JSA ELR (SW) DMA01 form you send to the LMDM team.
- 4.27 You must make a sanction referral where a claimant fails to comply as mandated and you need not wait to be notified of previous referral decisions before making further referrals.
- 4.28 **Please Note:** Once a claimant has started ELR training and fails to comply you are not required to update PRaP with details of the failure to comply. You should continue to engage with the claimant in line with your delivery model irrespective of the outcome.
- 4.29 Information on levels of sanctions is available at [Annex 12](#).

Failure to attend/participate in ELR training as mandated (UC)

- 4.30 Where a UC claimant fails to attend/participate in ELR training as mandated you are required to make a sanction referral and keep supporting evidence.
- 4.31 **At the end of the provision week**, you must complete and send the UC192 ELR. Failure to Participate' form to the Universal Credit Service Centre.
- 4.32 **Please Note:** Referrals will need to be sent securely by post to the Mail Opening Unit (see [Annex 6](#)).
- 4.33 It is important to note that the information from the UC MAN letter is copied onto the UC 192 ELR form rather than the UC MAN letter being attached. The UCDM Team will work on the assumption the claimant was correctly [mandated and notified](#).
- 4.34 Following a DMA referral, it is your responsibility as a provider to re-engage with the claimant to arrange for them to attend training. This should be done as soon as

possible so that the claimant receives on going support. Claimants will not be asked to return to Jobcentre Plus at this point.

- 4.35 You are not required to establish why the claimant failed to comply to determine whether or not to make a sanction referral. You are required to make a referral irrespective of whether or not the claimant offers an explanation afterwards. The UCDM team will consider the reasons given and decide whether the claimant has shown good reason for their failure to participate. If the claimant tells you the reason you should record this on the UC192 ELR (S&W) form you send to the UCDM team.
- 4.36 You must make a sanction referral where a claimant fails to comply as mandated and you need not wait to be notified of previous referral decisions before making further referrals.
- 4.37 **Please Note:** Once a claimant has started ELR training and fails to comply you are not required to update PRaP with details of the failure to comply. You should continue to engage with the claimant in line with your delivery model irrespective of the outcome.
- 4.38 Information on levels of sanctions is available at [Annex 12](#).

Notifying UCDMs where a Universal Credit compliance condition is satisfied

- 4.39 Where a claimant meets the required compliance condition as detailed on the UC MAN letter you issued to them, you must immediately (within 1 working day) notify the UCDM team on form UC 194ELR (S&W) by post ([Annex 13](#)).
- 4.40 **Please Note:** Referrals will need to be sent securely by post to the Mail Opening Unit (see [Annex 6](#)).
- 4.41 If the claimant re-complies prior to the UCDM making a decision on the original mandatory activity (via the UC192 ELR (S&W) form), complete form UC194 and send it to the Service Centre straightaway. Delays in this process will mean delays to the decision making process.
- 4.42 The UCDM team will send sanction decision notifications back to you via post.

Unacceptable Behaviour

- 4.43 Unacceptable behaviour may include claimants who exhibit difficult, aggressive, or sometimes violent behaviour.
- 4.44 Claimants on DWP provision have a responsibility to behave in an appropriate manner, just as they would if they were in employment and you must explain what constitutes appropriate behaviour to each claimant as part of the Provider-Claimant Assessment meeting.

- 4.45 Where cases of unacceptable behaviour by claimants arise, you must immediately deal with it in the most appropriate manner, note your records and notify Jobcentre Plus in accordance with local arrangements.
- 4.46 Any decision to exclude a claimant will be made by Jobcentre Plus. If, in exceptional cases, Jobcentre Plus do decide to exclude the claimant from ELR provision you will need to make a DMA referral using form ELR (S&W) DMA 02 / ELR (S&W) DMA02 (UC), end the PRaP referral using end reason 'excluded' and complete and return a Summary Report to Jobcentre Plus to cover the weeks attended.
- 4.47 **Please note:** ESA WRAG claimants and IS LPs with the youngest child over 3 years of age who access and participate in ELR provision on a Voluntary basis, **must not** be referred to the LMDM but you must notify Jobcentre Plus.
- 4.48 Further information regarding unacceptable behaviour can be found in [Chapter 2 of Generic Provider Guidance](#).

Claimant to be dismissed from ELR due to misconduct

- 4.49 If a claimant's behaviour is such that effective participation is not possible, in the first instance you must discuss this with your Jobcentre Plus SPoC in line with local arrangements. Jobcentre Plus may make a decision to exclude the claimant from ELR provision due to misconduct. If this is the case, you must raise a DMA referral using the JSA ELR (S&W) DMA 02 / UC ELR (S&W) DMA02 form detailing the reasons for misconduct, any warnings you have given the claimant, attaching copies of warning notices where appropriate. You should send this form to the appropriate LMDM / UCDM Team (by post) (see [Annex 6](#)). You must also take the appropriate action to end the customer referral in PRaP.
- 4.50 Where misconduct is proven, the claimant will be returned to Jobcentre Plus support.
- 4.51 Once a claimant has been dismissed from ELR training due to misconduct you will not be entitled to any further fees in relation to the claimant.

DMA referrals via unencrypted e-mail

- 4.52 You will make JSA ELR DMA referrals to specific Labour Market Decision Making (LMDM) teams (see [Annex 6](#)). In the majority of cases this will be via unencrypted e-mail rather than by post. LMDM teams will also send sanction decision notifications back to you via unencrypted e-mail.
- 4.53 **Please Note:** For UC referrals, form UC 192 ELR will need to be sent securely by post to the Mail Opening Unit (see [Annex 6](#)). UCDM teams will send sanction decision notifications back to you via post.

- 4.54 The unencrypted e-mail process must be built into your IT systems and internal processes to allow for the raising of JSA ELR DMA referrals via e-mail.
- 4.55 To make an unencrypted DMA e-mail referral you are required to:
- complete the relevant JSA ELR (S&W) DMA form. **Please Note:** A copy of the Mandatory Activity Notification JSA MAN 1 or other documents is not required. No other documents may be attached to the e-mail; all relevant information must be noted on the JSA ELR DMA form itself;
 - ensure that the correct email address for the return of the sanction decision, queries or further correspondence is included in the ELR DMA form. **Please Note:** This must be the generic in-box address not the individual adviser address; and
 - ensure each e-mail **ONLY** contains the following standard content. **No other information may be transmitted by e-mail:**
 - standard wording to be displayed in e-mail 'Subject Box':
 - ELR DMA
 - Claimant's surname
 - Last 3 characters of the claimant NINO
 - E.g. 'ELR DMA Smith 78A'
 - standard wording to be displayed in e-mail 'Narrative Box':
 - Sender contact details
 - Email attachment - Completed ELR (S&W) DMA form.
 - e-mail the ELR DMA form to your LMDM designated e-mail address (see [Annex 6](#)).
- 4.56 It is a key security requirement that only one ELR (S&W) DMA form is included per e-mail. You cannot, for example, include several ELR (S&W) DMA referrals for the same claimant in one e-mail.
- 4.57 **Please Note:** While we expect that the vast majority of DMA referrals will be made via e-mail, there maybe a very small number that you may need to make clerically, for example, Special Customer Records (SCR) cases (further information regarding SCRs can be found in [Chapter 2 of Generic Provider Guidance](#)). In these circumstances you must securely send a clerical copy of the referral form to your linked LMDM / UCDM team (see [Annex 6](#)).
- 4.58 For further information regarding sending documents securely please refer to [Generic Provider Guidance, Chapter 8 – Information Security](#).

UCDM notifies provider and claimant of the outcome (UC)

- 4.59 Where a decision on a doubt you have referred is made, you will receive a copy of that decision on form UC 136 by post
- 4.60 If the claimant has stopped claiming UC, before or during the decision making process, you will not receive a copy of the sanction decision. You should receive a change of circumstances form from Jobcentre Plus.

- 4.61 When you have received the outcome notification of the sanction doubt, make a note against your claimant records. You are required to give the claimant opportunity to meet the compliance condition) and therefore need to be aware of any pending decisions or decisions made.

Further information required by LMDM / UCDM Team

- 4.62 There may be occasions where the LMDM / UCDM Team will need to clarify information that you have sent with the DMA referral. You are required to provide DWP with a copy of related information promptly on request. Therefore, you must:
- retain copies of the mandatory attendance notifications or have a mechanism to create a copy; and
 - set up points of contact locally for this purpose.

Decisions, Reconsiderations and Appeals

- 4.63 If a claimant approaches you regarding imposed benefit sanctions you should not attempt to answer the questions, but direct them immediately to speak to the contact given on the decision letter they will have received.
- 4.64 Reconsiderations are a crucial part of the decision making and appeals process and are designed to put right incorrect decisions at the earliest opportunity.

Section 5 – Allotted time, gaps between training weeks and outcomes

This section covers:

- [Allotted Time](#)
 - [Gaps between training weeks](#)
- [Payment Validation](#)
 - [Introduction](#)
 - [High Level Provider Requirements](#)
 - [Pre-Payment Validation – Certification Outcomes](#)
 - [Post Payment Validation](#)
 - [Post Payment Review Process](#)
- [Making Claims for Payment](#)
 - [Start Fee](#)
 - [Certification Outcome Fee](#)

Allotted Time

- 5.01 The allotted time period on PRaP is continuous and begins on the date of the claimant's Jobcentre Plus referral (PRaP referral date). From this point PRaP will calculate 26 consecutive weeks before automatically closing the referral. It is expected that in most cases you will have already ended the referral prior to the 26 week date being reached.
- 5.02 In all but GPoW cases you will have 26 weeks within which to deliver your service requirement of up to 20 weeks training and achieve the Certification Outcome Fee.
Note: You will be limited to an amount of time specific to the individual claimant in GPoW cases. Time available will be determined by the appointment date given for the GPoW interview which must take place within 13 weeks of benefit being claimed. See [Genuine Prospect of Work \(GPoW\) interview](#)
- 5.03 Where a claimant has a break in their claim, leaves ELR during the allotted time period, and subsequently returns to claim JSA / UC within a six week period, they will be signposted back to you to complete any remainder of allotted time where Jobcentre Plus decide it's appropriate. For example, where a claimant started ELR training, gained employment, left ELR provision at week ten of the allotted time, and returned to benefit five weeks later they would be able to undertake up to the remaining 11 weeks of ELR training before the 26 weeks period expires.
- 5.04 However, if a claimant leaves ELR provision and returns to benefit more than six weeks later, Jobcentre Plus will tell you when you need to take the appropriate action to end the original referral in PRaP. If Jobcentre Plus decides that ELR is still appropriate for the claimant, they will make a new referral to ELR provision. In this case, the claimant should be treated as a new referral, the new allotted time period will start from the date of the new Jobcentre Plus referral to the PCA and you will be able to claim a further Start Fee.

- 5.05 Allotted time also applies to ESA WRAG claimants and IS LPs with the youngest child over 3 years of age, who access and participate in ELR provision on a Voluntary basis.

Gaps between training weeks

- 5.06 With the exception of GPoW claimants, the ELR training element will last for up to 20 weeks within a continuous 26 week period. In exceptional cases gaps between training weeks may be required to account for participation restrictions. In such cases, gaps in training weeks will have been planned and agreed on the claimants learning plan and documented on the JSA MAN 1 / UC MAN letter issued to the claimant.

Payment Validation

Introduction

- 5.07 This section covers the validation of the ELR Certification Outcome Fee and should be read in conjunction with the definitions at the end of this section and also in conjunction with the [Generic Provider Guidance Chapter 5](#).

High Level Provider Requirements

- 5.08 You are required to satisfy yourselves that you only submit accurate claims for payments that you are entitled to. You will be expected to make a declaration to this effect on submission of the claim in PRaP. DWP will utilise its own systems to satisfy itself that the claims are valid. This will include a series of post payment checks to confirm that claimants have successfully completed a full accredited certification.
- 5.09 You are required to maintain a robust system of internal control that needs to be sufficient not only to support any claims but also to allow you to undertake internal management checks and independent testing and validation, by DWP and other external bodies. The records maintained should document how and when the appropriate supporting evidence was obtained.
- 5.10 The majority of claims for payment must be submitted via PRaP. However, where you have a claim for a customer who is granted Special Customer Records (SCR) status (as determined by HMRC Special Section D (SSD), you are required to submit the claim following the SCR clerical claim process which is currently in operation. You must only submit a claim on these forms on the rare occasions that SCR status has been granted.
- 5.11 DWP does not prescribe the way in which you should track claimants or record information about their improvement of English language and listening skills. There is however specific information you are required to input to the Job details screen in the PRaP system when you submit claims:
- name of qualification;
 - date on which the claimant sat the examination (date 1 in PRaP);

- date on which the claimants certified qualification was confirmed (date 2 in PRaP);
- qualification level achieved, the number of levels the claimant has improved by;
- examination body name;
- examination body address and telephone number;
- claimant name;
- claimant telephone number;
- claimant email address;
- claimant mobile phone number; and
- examination course and candidate number.

See [Annex 5](#) for more information on updating PRaP.

- 5.12 Providers must not remove any claimant and or examination body details from PRaP at any time. The Provider Payment Validation Team (PPVT) will, at post payment validation, fail claims where these details have been removed.
- 5.13 Where you require a claim for any payment type to be removed from PRaP, you will need to notify the PRaP Operational Support Team (POST) by email at PRAP.support@dwp.gsi.gov.uk using the current PRaP14 process. POST will then arrange for the claim to be removed from PRaP and for the recovery of funding where the fee has been paid.

Pre Payment Validation – Certification Outcomes

- 5.14 Every Certification Outcome fee will be subject to an automated allotted time check before being released for payment. The check is to determine if the accredited certification has been achieved within the allotted time. If the claim fails this check PRaP will reject the claim. You will be able to identify these claims by running an ASN report in PRaP.
- 5.15 If a claim fails the allotted time check, you will be able to resubmit it at some point in the future should you establish a subsequent valid outcome for the same individual. It is expected that the necessary steps will have been taken to further establish the validity of the information supplied with it.

Post Payment Validation

- 5.16 Each month DWP will randomly select a sample of 20 paid Certification Outcome fees per contract for validation. If the total Certification Outcome fees paid is less than 20 for any contract in any month then all will be validated.
- 5.17 The provider reports through i-supplier are not available to view until the sample has been uploaded to PRaP a few days after it has been drawn. POST will not accept any requests from providers to back out claims included in the sample once it has been selected.

- 5.18 PPVT will contact the claimant, using the information you have provided in PRaP, to check the claimant did successfully achieve the appropriate qualification.
- 5.19 There are three possible validation results:
- **Pass** – Claimant confirms the condition for payment as set out in the certification Outcome definition, has been met.
 - **Fail** – Claimant provides information which means the condition for payment, as set out in the certification outcome definition, has not been met.
 - **Unable to Validate** – PPVT has either not been able to contact the claimant, or they are unable / unwilling to provide the information required to validate the claim.
- 5.20 In cases where PPVT is experiencing difficulty making contact with the claimant, we may contact you to confirm the details you have supplied in PRaP. PPVT will also contact you where you have submitted incorrect or incomplete information (e.g. unobtainable telephone numbers). You are required to establish the correct information and supply this to PPVT within five working days. If you do not provide the detail that enables PPVT to validate the payment, the claim will fail.
- 5.21 Claims that PPVT has genuinely not been able to validate, will be apportioned across the other validation results. Before any of these claims are apportioned, you will have the opportunity to seek review by submitting additional information that will allow DWP to have another attempt at validation.
- 5.22 Every 6 months you will receive a report detailing the claims which have failed or PPVT have been unable to validate during the monthly validation exercise. Before any of the claims are used to calculate the error rate for extrapolation, you will have the opportunity to submit additional information that will allow DWP to have another attempt at validation.

Post Payment Review Process

- 5.23 Following the completion of the post-payment validation exercise every 6 months, you will receive a report detailing the claims that have failed or we have been unable to validate. This report will also give you the information that informed the validation decision.
- 5.24 Before any of these claims are removed from PRaP and used to calculate the error rate for extrapolation, you will have 10 working days to consider this information and submit any additional evidence/information.
- 5.25 You are required to ensure that requests for review are proportionate and that you provide something in addition to that supplied in the original claim that was not available to you at the time you made the submission. If the additional information

supplied allows the Review Team to go back to a claimant or otherwise validate the outcome an attempt will be made.

- 5.26 You can either e-mail the request for review or send it with supporting information to the address stated on the form. You are required to submit any documentation to the Review Team in line with Departmental security guidelines.
- 5.27 If no formal request has been received by the Review Team by close of business on the tenth working day, unable to validate cases will be apportioned across the other validation results and an Extrapolation Report and an invoice (if applicable) will be raised.
- 5.28 If you identify that a claim has failed initial post-payment validation because of the contact information you submitted in PRaP you are required to update PRaP with these details.
- 5.29 Once the cases have been reviewed, the Review Team will present the review findings to a Review Board. This Board will have a representative from both Account and Performance Management Teams. The purpose of the Board is twofold: to be satisfied that any reviewed decisions will stand up to the scrutiny of DWP Internal Audit and the NAO and to approve the original validation decision if it remains unchanged. The Board may also request that the Review Team supply further information or investigation before finalising decisions.
- 5.30 Following approval from the Board, the Review Team will notify you of the results and issue you with an extrapolation report. These decisions will have gone through a rigorous challenge process signed-off by senior DWP representatives to ensure that all valid claims are recognised. It will therefore mean that they are final and no further challenge will be accepted.
- 5.31 Following the post payment review process outcomes remaining as fails will not only be recovered but this error rate will also inform any extrapolation calculation which will be applied across untested like for like claims from the same period.

Note: Validation/extrapolation, is applied to each contract, regardless of the number of contracts a provider may hold.

See [Generic Provider Guidance – Chapter 5 – Evidencing and Validating Payments](#) for a broad outline of the Departments validation methodology.

Making Claims for Payment

Value Added Tax

- 5.32 Responsibility for claiming VAT correctly sits with you as the Contracted Provider. As such you will need to ensure that your staff are fully aware of the VAT issue for ELR

referrals and are clear on which referrals are VAT recoverable and which referrals are VAT exempt. [See Referrals and Value Added Tax \(VAT\)](#)

Start Fee

- 5.33 You will be eligible to claim a Start Fee once the claimant has attended the Provider Claimant Assessment (PCA). You will be paid a Start Fee when you have taken the appropriate action to verify that the claimant's first language is not English and record the start date on PRaP. (see [Annex 5](#) for PRaP actions)
- 5.34 Before you make a claim for a Start Fee you must ensure that you hold evidence to support your claim, for example evidence of attendance at the PCA and a Summary Report for the claimant.
- 5.35 Only one Start Fee will be payable for each claimant per period of allotted time.

Certification Outcome Fee

- 5.36 You will be eligible to claim a Certification Outcome Fee once a claimant (within the allotted time) has:
- completed a period of up to 20 weeks of [Required Weekly Attendance](#) (this will generally be consecutive weeks but may be made up of more than one period where claimants have had a break in claim); or
 - evidence to support compressed training for GPoW cases where less than 7 weeks training has been undertaken; and
 - attained a full accredited certification of at least one level above their skills determined at the PCA and detailed in their Learning Plan within the allotted time period of 26 weeks.
- 5.37 Only one Certification Outcome Fee can be claimed for each claimant. Copy certificates and purchase order numbers may be requested for validation purposes. You are, therefore, advised to retain a copy of the certificate and to note the purchase order number allocated by PRaP on the top right hand corner of the copy certificate as you claim the outcome fee and retain for your records.
- 5.38 Before you make a claim for a Start Fee or a Certification Outcome Fee you must ensure that:
- you hold evidence to support your claim:
 - evidence of attendance and participation (including records of weekly attendance and training hours undertaken which are endorsed by yourself and the claimant or if sub contracting the claimant and training provider);
 - evidence to cover any authorised and unauthorised periods of absence to include breaks in claim where appropriate;

- evidence to support the claimant has completed the mandated period of training;
- a copy of the Summary Report for the claimant containing details of the claimant's learning journey; and
- Confirmation of the OFQUAL/SQA reference number to support a full accredited certification to the required skills level as documented in the claimant's Learning Plan;
- you have forwarded the Summary Report to Jobcentre Plus; and
- you have taken the required PRaP action to enter the end dates.

Section 6 – Completing ELR, Summary Report/ exit feedback

This section covers:

- [Completing ELR](#)
- [Summary report](#)

Completing ELR

- 6.01 A claimant will be deemed an ELR completer when:
- following the PCA, they are deemed to have skills at or above E2/A3 and therefore do not require ELR training;
 - they are subject to and have a GPoW interview date where you decided ELR training cannot be delivered in the time available;
 - they complete their Allotted Time of 26 weeks and have not achieved a full accredited certification;
 - following training (within the 26 weeks Allotted Time), they have achieved full accredited certification of at least one level above their speaking and listening English skills at assessment; or
 - they have died.
- 6.02 See [Annex 5](#) for details on how to record completion dates on PRaP.

Summary Report

- 6.03 For each claimant that completes ELR and remains on benefit, you must supply a Summary Report within ten calendar days of completion of ELR provision.
- 6.04 The Summary Report is a record of the claimant's skills at the PCA and following training and accreditation where appropriate. It will be used by Jobcentre Plus work coaches to inform further progression of a claimant's skills, support requirements and to show the claimant's job goals following training.
- 6.05 Summary Reports must be of a professional standard in line with your delivery proposal, for example, it should, where possible, be typed and not hand-written and be presented in a professional format.
- 6.06 You should devise your own format for the delivery of Summary Reports but must ensure the following are included as a minimum:
- verification of the dates which the claimant attended the PCA and training (where appropriate);
 - include details of the claimant's English speaking and listening skills level at the PCA and the revised skills level following training (where appropriate);
 - for GPoW cases where you decide you have insufficient time to deliver training detail the training requirement, no of hours/weeks you assess the claimant to need to improve their skills by one level;
 - detail the claimant's behaviours during training;

- contain information about the full accredited English speaking and listening qualification taken and when formal certification is expected; and
- contain details of job goals for all claimants undertaking ELR training.

Note: The Summary Report must be returned to Jobcentre Plus as evidence of a Start and again following the claimant attending training (where appropriate).

- 6.07 You should also include any certificate or information from the awarding body which you feel may help to inform Jobcentre Plus about the claimant's achievements during training.

Section 7 – Additional Information

This section covers:

- [Additional Information](#)
 - [Fraud Prevention](#)
 - [Data Protection](#)
 - [Legislation and Principal Regulations](#)
 - [Diversity and Equality](#)
 - [Accident Reporting](#)
 - [Quality](#)
- [Flexible Support Fund \(FSF\)](#)

Additional Information

Fraud Prevention

7.1. If you suspect that a claimant is committing fraud you should follow the procedures outlined via the National Fraud Hotline: <https://www.gov.uk/report-benefit-fraud>.

Data Protection

7.2. In order to protect Departmental information appropriately, you must put into effect and maintain the security measures and safeguards appropriate to the nature and use of the information throughout their supply chain. All providers of services to DWP must comply, and be able to demonstrate compliance, with the Department's relevant policies and standards including the DWP Information Systems Security Standards. The Standards are based on and follow the same format as International Standard 27001, but with specific reference to the Department's use. Departmental information must not be processed outside the United Kingdom without the express written permission of DWP in line with the DWP Security Policy for Contractors and DWP Terms & Conditions.

7.3. Security assurance for you and your supply chain is through completing a draft security plan. You will have submitted a draft security plan as part of your response to this competition and are expected to maintain this. This will set out the security measures to be implemented and maintained by the prime provider throughout the entire supply chain in relation to all aspects of the service, including processes associated with delivery.

7.4. Data security is one of the areas risk assessed by the Contracted Employment Programmes (CEP) Provider Assurance Team (PAT). In addition data security will remain subject to spot checks by the Supply Chain Information Assurance Team (SCIAT). Furthermore, the Head of Compliance will continue to regularly report the number and outcomes of data security checks carried out during the previous quarter to the DWP Permanent Secretary.

7.5. In the event of any breach of information security which may or may not result in an investigation by the Information Commissioner's Office (ICO), DWP will consider whether

a major breach of contract has occurred within the terms and conditions. Providers will be responsible for paying any fine levied on DWP following an investigation by the ICO.

Legislation and Principal Regulations

7.6. You must ensure that you remain compliant with current and future changes in the law and DWP Policy. For example:

- ensuring that the ELR supports the DWP's Public Sector Equality Duty as outlined in the Equality Act 2010;
- providing appropriate services to ensure compatibility with the Equality Act for example, to enable communication with claimants who do not speak English as a first language or who are deaf, hearing impaired or have a speech impediment;
- in Wales, ensuring that ELR complies with the Welsh Language Act 1993; and
- where you are operating in an area with a high ethnic minority population, materials in the appropriate ethnic minority language must be made available on request.

Diversity and Equality

7.7. As you will be aware, your approach to diversity and equality is an important factor in the delivery of a DWP contract. You should refer to the Diversity and Equality Schedule in the contract documentation you have and raise any queries and issues with your Performance Manager.

Accident reporting

7.8. All relevant accidents and incidents should be reported to your Jobcentre Plus contact. In addition to your normal arrangements for managing and reporting accidents which may involve claimants on your own premises or at any sub contractor premises, you must also notify your Performance Manager immediately by telephone of any relevant accident. For further information about Accident Reporting please see [Chapter 2 of Generic Provider Guidance](#).

Quality

7.9. It is important all organisations responsible for the delivery of DWP Contracted Employment Provision are committed to raising standards. The primary responsibility for improving the quality of provision rests with you, and you will be expected to build and maintain a culture of continuous improvement.

7.10. The key elements of the DWP approach to quality improvement are:

- [Generic Guidance Chapter 7 - Continuous Self-Assessment](#).
- [Generic Guidance Chapter 7 - Planning for Improvement](#).
- [The Merlin Standard](#).

- 7.11. This provides the basis of our approach to maintaining and improving quality in DWP Contracted Employment Provision.

Flexible Support Fund (FSF)

- 7.12. Jobcentre Plus operates a FSF managed locally by District Managers. Claimants will need to discuss with their Jobcentre Plus work coach accessing the FSF for any travel and child care expense requirements in relation to attending ELR.

Section 8 – Performance and Account Management, Assurance, and Evaluation

This section covers:

- [Performance Management and Account Management](#)
- [Minimum Performance Levels](#)
- [Minimum Service Levels](#)
- [Assurance](#)
- [Contracted Employment Programmes \(CEP\) PAT](#)
- [Programme Evaluation](#)
- [Clerical Management Information](#)

Performance Management and Account Management

- 8.1. ELR contracts are managed by Performance Managers who, in exceptional circumstances, are able to escalate unresolved issues to their Supplier Manager for resolution. Provider performance will be based on an assessment of performance priority which considers a range of factors including contract value, compliance with the contract, performance and security.
- 8.2. You are responsible for managing the contract, including addressing poor performance, and the performance of your sub-contractors. You must ensure that all systems and processes used for the monitoring and recording of performance are robust, provide a clear audit trail of evidence, and give confidence to DWP that you and your supply chain are delivering the Programme in accordance with your overall contractual obligations.
- 8.3. You must appoint appropriate named contacts who will work with the DWP Performance Managers and, in exceptional cases, Supplier Managers to ensure that ELR is delivered as specified in the contract and that required standards and performance levels are met.
- 8.4. DWP Performance Managers will hold regular Contract Performance Review (CPR) meetings with you which will focus on achieving contractual performance and service targets and improving performance and delivery in line with the Contract. Staff representing Jobcentre Plus districts and Benefit Delivery Centres may also attend these meetings.
- 8.5. DWP will, in the main, use MI presented by PRaP, clerical returns and information obtained from assurance activities for the on going management of the provision and for discussion with you. However, you must ensure that data for each claimant is held and that evidence to support weekly training participation (including weekly attendance records endorsed by claimant and yourself/your sub-contractors) is also available on request.
- 8.6. As DWP is committed to transparency on how its programmes are working, you need to be aware that MI may also feed into published Official Statistics on ELR. Consequently you must treat information they have access to as restricted, and for your use only, ahead

of formal publication. Official Statistics may also cover performance expectations at provider level.

- 8.7. In terms of data transparency, DWP may share performance data between Wales and Scotland Providers and vice versa as part of the regular DWP Provider Performance meetings.
- 8.8. Cohort-based management information, with monthly expectations for outcome achievements based on actual in-month starts, will be used throughout the life of the contract, as part of performance management.
- 8.9. DWP programme leads within CEP are required to retain a central list of all current and agreed DMA email addresses for providers. This is to ensure DWP have a centrally held register should any security incidents arise. You must ensure that your Performance Manager is provided with an initial list and then is made aware of any changes as they occur.

Minimum Performance Levels

8.10. You are expected to deliver the following targets:

- 100% of claimants referred achieving an ELR Start notified to Jobcentre Plus within one day of the claimant attending the PCA;
- appropriate DMA is immediately raised and evidenced within one day of failure to comply as mandated with the PCA and at the end of the provision week once on ELR training. Further information regarding DMA referrals is in [Section 4](#); and
- a minimum of 80% of eligible claimants mandated to ELR training to achieve a full accredited certification of English speaking and listening skills at least one level above the level recorded at their PCA by the end of the agreed training period.

Minimum Service Levels

- 8.11. You are required to actively manage provision to ensure appropriate action takes place and is evidenced. The measures to identify that timely access to provision, appropriate communication channels and robust processes are in place, this means you must:
- acknowledge in PRAP all referrals received within one day of the PRaP referral date;
 - ensure that PCA's take place within ten calendar days of JCP making the referral via the PRaP system;
 - ensure that all starts (start is defined as attendance at the PCA) are recorded within 10 working days of the start;
 - take appropriate action to inform that the claimant did not attend the PCA within one day of the failure to do so;
 - confirm that the claimant has participated in ELR training or take appropriate action to inform JCP and take DMA action at the end of the provision week;

- ensure that ELR training is delivered for a maximum of 16 hours per week (taking account of participation restrictions) for up to 20 weeks within a 26 week period of the Jobcentre Plus referral or up to the notified GPoW interview date;
- ensure that, where training is delivered in a classroom environment, that class sizes are limited to a maximum of 15 claimants to one tutor;
- ensure that a contact telephone number is supplied for the claimant to use to contact you/your sub contractor following the Jobcentre Plus referral;
- ensure that where a claimant has started ELR training and subsequently fails to comply as mandated, action is taken to inform Jobcentre Plus and/or start DMA action, as appropriate, and evidenced at the end of the provision week where failure to comply occurred (no PRaP action required) . Further information regarding DMA referrals is in [Section 4](#);
- ensure the development and delivery (to the claimant) of a completed, claimant specific, Learning Plan for all claimants who undertake ELR training;
- ensure the completion and secure delivery to Jobcentre Plus of a Summary Report for each claimant within ten calendar days of attendance at the PCA (if this is the claimant's last day of attendance and they did not start training)
- ensure the completion and secure delivery to Jobcentre Plus of a Summary Report for each claimant within 10 calendar days of the claimant's last day of attendance for claimants referred to ELR training;
- ensure that you meet the requirement to keep documentation to support the start, attendance and end dates of the assessment and training for scrutiny by DWP and/or auditors, including National Audit Office (NAO);
- ensure that the provision environment is conducive with achieving the desired outcomes for the claimant. Providers must ensure minimum Health & Safety standards, as laid down in legislation, are met at all times;
- ensure that you undertake required PRaP actions within given timescales;
- providing a monthly submission of case volumes (class ratio) to inform the Providers Performance Management meeting with DWP; and
- retain clerical records for claimants learning Welsh in Wales and for any Special Customer Records.

Note: All documentation held to support claims made, as a minimum, should be retained for a period 18 months after the end of the financial year in which payments are made. Retention periods are subject to change which will be notified should they occur.

Assurance

8.12. It is essential that DWP can provide assurance to the taxpayer that public funded provision is delivering a quality service and value for money has been obtained. This will be measured using the following methods:

- your representation at local performance meetings as agreed with DWP. These might include Start Up meetings, Contract Review Meetings, Compliance Visits and any other ad hoc meetings;

- performance outputs in relation to Minimum Performance Levels (MPLs) and performance specified in bids;
- your procedures to handle claimant complaints, which must be available to DWP and the Independent Case Examiner (ICE) upon request;
- your annual self-assessment report (further information regarding self-assessment is available in [Chapter 7 of Generic Provider Guidance](#));
- performance management process as outlined in [Section 8](#) of this document;
- payment validation by contacting the claimant and/or provider to obtain information and evidence to support claims made. PPVT do not stipulate a number of times they attempt to validate a claim. However, in cases where PPVT is experiencing difficulty making contact with the claimant, they may contact you to confirm the details held on PRaP; and
- audit by DWP or National Audit Office (NAO) auditors.

Please Note: The methods detailed above are in addition to the activities carried out by the PAT.

Contracted Employment Programmes (CEP) PAT

- 8.13. The Contracted Employment Programmes PAT provides the DWP with an assurance that:
- payments made to DWP Contracted Employment Programme Providers are in accordance with DWP and Treasury requirements;
 - public funds and DWP data are protected; and
 - value for money has been obtained.
- 8.14. This work is carried out by reviewing your internal control systems to assess your ability to manage risk across four key areas:
- **Governance Arrangements** – covering your governance arrangements, systems for tracking and reporting performance and their anti-fraud measures;
 - **Service Delivery** – including your systems for starting, ending and moving claimants through provision and generally looks to ensure that DWP is getting the service it is paying for. This section also covers management of sub-contractors;
 - **Financial Procedures** – looking to ensure you have in place effective systems to support your claims for payment, including appropriate segregation of duties; and
 - **Data Security** – looks to ensure you have in place adequate systems to safeguard DWP data whilst it is being stored and/or transmitted around your organisations.
- 8.15. The PAT operate at a national level enabling them to present CEP providers operating across regions with a single view of the effectiveness of their systems – you will have a nominated Senior Provider Assurance Manager and therefore a single point of contact within DWP for management of assurance related issues/concerns.
- 8.16. On completion of each review, you are awarded an assurance rating from the following four categories – weak, limited, reasonable and strong. You will also receive a formal report detailing the review findings including key strengths and areas for improvement;

where weaknesses have been identified you are asked to complete an action plan setting out appropriate steps for improvement and this is followed up at an agreed point.

- 8.17. The rating awarded will determine the timescale for subsequent visits and this ranges from within 3 months, where the assurance level is weak, up to 12-18 months where the assurance level is strong.
- 8.18. Findings from each review are routinely reported to the relevant contract manager/account manager and other DWP stakeholders. Specific action will be taken where:
- you fail to improve on a weak or limited assurance level, the Account Manager will take remedial action which may lead to breach activities if you fail to improve;
 - there are suspicions that you may be acting inappropriately, the team will refer you to Internal Investigations who are the experts trained in the legalities and techniques required to do formal investigations; and / or
 - there are serious concerns around data security; these are reported through the respective channels to colleagues in Supply Chain Information Assurance Team.
- 8.19. The results of any investigations carried out by these teams will be fed back to the PAT and this information will be used to inform future reviews and to target specific areas for testing.
- 8.20. The PAT will work with you to ensure that you understand what is expected and are, therefore, adequately equipped to develop robust systems to support your service delivery model throughout the duration of the contract.

Programme Evaluation

- 8.21. DWP may wish to undertake evaluation of the programme, which may include in-house and/or externally commissioned research.
- 8.22. Researchers may wish to visit and interview you as part of the evaluation. You will be contacted in advance of any fieldwork. You are required to fully co-operate with programme evaluation activity commissioned by DWP.

Clerical Management Information

- 8.23. You will be expected to complete and return clerical information on a monthly basis to provide DWP with:
- **(Wales only)** The number of claimants referred for Welsh Language ELR training;
 - the number of Special Customer Records (SCR) cases;
 - the number of claimants submitted to an exam;
 - the number of claimants where a certificate has been received; and

- the monthly average for the trainee to trainer ratio(based on the last full week in the month).

8.24. A clerical stencil has been provided for this purpose at [Annex 9](#). Please note the stencil is intentionally in Excel format to be compatible with reports generated by DWP.

8.25. You will need to complete a separate stencil for JSA and UC claimants.

8.26. The trainer to trainee ratio will need to be calculated as follows:

- (A) add up the number of trainees attending all training sessions/classes within the week across all sites
- (B) add up the number of trainer sessions/classes within the week across all sites
- divide the total number of trainees (A) by the number of trainer sessions/classes (B) to reach your average monthly figure.

Note: If you enter figures for (A) and (B) the stencil should calculate the monthly average for you.

Example:

Week		Class 1	Class 2	Class 3	Class 4	Class 5	Totals
Monday	Trainer(s)	1	1	1	1	0	4
	Trainees	12	2	5	15	0	34
Tuesday	Trainer(s)	0	0	1	1	0	2
	Trainees	0	0	5	14	0	19
Wednesday	Trainer(s)	1	1	1	1	0	4
	Trainees	10	10	10	10	0	40
Thursday	Trainer(s)	2	1	0	0	0	3
	Trainees	30	5	0	0	0	35
Friday	Trainer(s)	1	1	1	1	1	5
	Trainees	5	6	3	1	2	17
Saturday	Trainer(s)	2	0	0	0	0	2
	Trainees	30	0	0	0	0	30
Sunday	Trainer(s)	0	0	0	0	0	0
	Trainees	0	0	0	0	0	0

8.27. In the example table above (A) the total number of trainees = 175 and (B) the total number of trainer sessions/classes = 20. Therefore the monthly average would be (A) 175 divided by (B) 20 which works out at 8.75.

8.28. In this example the monthly ratio of trainers to trainees is 1 trainer to 8.75 trainees.