

# Withdrawn

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The publication is no longer current.

## **Work Choice Live Running Memo 64**

To: Work Choice Providers

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### **Memo Serial No: LR 64**

Date: 12/3/18

Subject: Updates to Work Choice Provider Guidance plus Summary of Some Easements and Amendments

Action: For Information and Action

Timing: Immediate

### **1. End of Work Choice Referrals – Impact on Work Choice Provider Guidance**

Now that the final referrals to the Work Choice programme have been received, certain sections of Provider Guidance have clearly been rendered obsolete. In general this applies to all sections which set out programme guidance on referrals procedures including retentions; returning to the programme; identification of, and engagement with SROs; marketing and publicity etc.

A note to this effect has been added at the beginning of the pertinent sections but we will not amend or remove these sections from Provider Guidance for the time being as they contain certain paragraphs which are still relevant, and/or programme principles and context for the ongoing delivery of the programme as a whole, until end of provision.

## 2. Flexibilities and Easements

Additionally, we have seen fit to allow certain flexibilities and easements which have been dictated by necessity or circumstances as the programme draws to a close over the next eight to twelve months. They are designed to assist Work Choice's final, most dependent, participants as the programme ends, and are set out in the table below in brief, and in detail in the relevant sections of the Guidance.

You are reminded that, for the 2017 contracts' extension period (in England and Wales only) Work Choice Provider Guidance was split into two sets:

1. The final iteration of pre-extension guidance which continues to apply to all Work Choice contracts in Scotland, and to referrals made to Work Choice contracts in England and Wales PRIOR to the extension period which came into effect from April 2017.
2. Revised guidance which applies to all referrals to Work Choice made during the contracts' extension period in England and Wales i.e. from 25th April 2017 for contracts originally awarded in 2010, and from 7th April 2017 for Remploy.

The flexibilities and easements summarised below apply, in general, to both sets of Guidance but you should consult the updated sections (dated March 2018) which will be published shortly.

### Action

This at-a-glance summary table is for your convenience, but it is a précis; you should read every Section and Annex of Provider Guidance in full, and bring it to the attention of your subcontractors, including any Supported Businesses.

Section number	Title/Contents	Principle Amendments together with Certain Reminders
1	Work Choice Introduction and Overview	<p>Para 1.14 <i>et seq.</i> Note added to "Referrals Overview" paragraphs:</p> <p>Due to upcoming programme closure, all referrals to the Work Choice Programme have ceased. The following paragraphs are now for reference only.</p> <p>You are reminded that Work Choice provision will continue to be used as Match Funding for DWP's European Social Fund (ESF) 2014-2020 for participants referred to the Work Choice programme <b>prior to the April 2017 extension</b>. But Work Choice Provision for participants referred <b>during</b> the contracts extension period in <b>England</b> (i.e. commencing April 2017) will <b>not</b> be used as match funding.</p>

2	Referral – Sources and Procedures	Note added at top: as all referrals to the Work Choice programme have now ceased, due to upcoming programme closure, this section is largely obsolete. It is retained here for reference only.
3	The Initial Provider Interview	Note added at top: as all referrals to the Work Choice programme have now ceased, due to upcoming programme closure, this section is largely obsolete. It is retained here for reference only.
5	Module Two – The Work Choice Employment Support Module	<p>Under current Guidance, Performance Managers may agree an extension to Module 2 for up to two years.</p> <p>Easement added at 5.8</p> <p>EASEMENT: In this final period of the Work Choice programme (i.e. now that no new programme referrals can be made) Module 2 extensions may be approved until the end of the provision (March 2019 where possible) even if total stay may be longer than two years in all. You should submit a request to your Performance Manager. Your request may be made by email and must include how long you are requesting, the reasons why continued participation would be in the best interests of your participant and how it would improve their chances of achieving their goal of independent, unsupported employment.</p> <p>You are reminded that Access to Work is an important tool in enabling your Module Two participant to progress from Work Choice Employment Support to independent working. You must be familiar with its provisions and consider recommending it to your participant at every appropriate opportunity. You will find full information on the Access to Work programme in Annex 6 of this guidance.</p> <p>References to returning to the programme have been removed.</p>
7	Returning to the programme	Introductory note added: The provisions for returning to the Work Choice programme, in the circumstances set out in this Section, have now been constrained or overtaken by the upcoming closure of the programme and the final referral dates. Parts of this Section are clearly no longer applicable but Section 7 is retained for reference and to give guidance on certain flexibilities and easements which have been introduced.

Para 7.10 *et seq* are updated to include Provider Guidance already published in Live Running Memo 57 (i.e. participant moves jobs whilst remaining continuously supported by the Work Choice programme), plus the following additional

**EASEMENT:**

7.12. If any Module 2 (or 3) participant loses a supported job, and there is no obvious opportunity to move to a new job before the job is lost, a break of longer than four weeks may be permissible. This flexibility has been approved because it is no longer possible to return to the Work Choice programme (at the discretion of the JCP work coach or DEA) as programme referrals have now finished. If your participant wishes it, you may submit a request for extra time to your Performance Manager outlining your reasons for requesting longer than four weeks.

7.13. The request to your Performance Manager may be made by email and must include reasons why continued participation would be in the best interests of your participant, how many more weeks' participation you are requesting and how it would improve your participant's chances of achieving their goal of independent, unsupported employment. Each case will be considered on its merits.

NOTE: if your Module 2 (or 3) participant had occupied a Protected Place, you must declare the Protected Place as unoccupied in the interim. Full guidance on Protected Places and Supported Businesses will be found in Sections 13 and 14 of this Provider Guidance.

7.14. In all cases, you must ensure your participant is fully informed; chooses to remain in the Work Choice programme whilst changing jobs; is aware your support is ultimately constrained by Work Choice's end-of-provision date (if pertinent); is aware that continued participation may render them ineligible for other DWP programmes (concurrently); and any interim claim for benefits, whilst between jobs, does not affect their eligibility for continued participation. All this must, of course, be recorded in the participant's Development Plan.

And also:

7.18. **EASEMENT:** As noted in Section 5 of this Guidance, in this final period of the Work Choice programme (i.e. now that no new programme referrals can

		be made) Module 2 extensions may be approved until the end of the provision (March 2019 where possible) even if it may be longer than two years in all. You should submit a request to your Performance Manager.
8	Retention	Added - NOTE: as all referrals to the Work Choice programme have now ceased, due to upcoming programme closure, this section is largely obsolete. It is retained here for reference only.
9	Development Planning and Leaver Reports	<p>Additional paragraphs re. <u>End of Provision</u></p> <p>Work Choice provision ends on 31<sup>st</sup> October 2018 in Scotland and 31<sup>st</sup> March 2019 in England and Wales.</p> <p>The objective and goal of Work Choice is independent, unsupported work. Throughout this guidance there are numerous references to the fact that the Work Choice support you give should taper, appropriately, and may be time-bound by the end of the programme. Although it may not be relevant for some participants e.g. those needing only a short period of support, this will be increasingly likely towards the end of provision. This is a selection of those references for example:</p> <ul style="list-style-type: none"> <li>• ...[you must] agree, with all parties, a development plan that includes how your in-work support will taper off over a feasible and realistic timescale</li> <li>• ...[A development plan] should include how they may progress to working without support, where appropriate.</li> <li>• ...If appropriate you should remind your participant that your support is time-bound by the closure of the Work Choice programme.</li> <li>• ...with the help of the individual and employer, [you must] put into place an agreed support plan that indicates how the support they receive will change over time</li> <li>• ...[you must] discuss with the employer how they may take on the long-term support of the individual. Prepare the employer to take on these responsibilities.</li> </ul> <p>As Work Choice draws to a close, you must make it clear to each of your participants that ultimately their Work Choice support may (or will) be overtaken by the end of provision and take every possible steps to put in place, or</p>

		<p>signpost to, feasible ongoing post-Work Choice support. Steps to achieve this, as appropriate, must be recorded in every Development Plan and Leaver Report.</p>
13a	Working with Supported Businesses	<p>Para 13.18 updated: As part of normal business planning activity, you and the Supported Business should consider in advance the implication that contract arrangements based on guaranteed funding are not certain beyond the contract extension period. Work Choice provision ends on 31st October 2018 in Scotland and 31st March 2019 in England and Wales.</p> <p><u>Maximum period for hosted-out placements is relaxed.</u></p> <p>For participants placed with a Host Employer after 25<sup>th</sup> October 2015, the normal maximum period of 26 weeks, previously stipulated, is now relaxed. Given that the demand for a Protected Place is declining, now that there are no more new participants entering the programme, <b>we will allow participants occupying a Protected Place a longer period of Hosted-Out support</b>, if they would benefit from such support.</p> <p>Please <u>read Provider Guidance</u> for procedural details of how this will operate.</p> <p>Easements as in Section 5 and Section 7, above, also noted in Section 13a</p> <p><u>Instructions already published in Live Running Memo 59 added to Section 13a i.e.:</u></p> <p><u>Any Work Choice participant</u> may be considered for a vacant Protected Place. To be clear, this means that Work Choice participants can be sourced to fill vacant Protected Places from any contracted provider delivering Work Choice in that CPA (this includes Remploy Ltd, if present).</p> <p>Please <u>read Guidance</u> for full procedural details of how this will operate.</p> <p>Certain forms have been amended.</p> <p><u>Amended forms:</u></p> <ul style="list-style-type: none"> <li>• Monthly Protected Places Return amended to remove the column requiring participants' names.</li> </ul>

		<ul style="list-style-type: none"> <li>Form requesting Protected Place move from Supported Business to hosted-out position updated.</li> <li>Form requesting extension to 26 weeks hosted-out position changed to a notification form.</li> </ul>
14a	Guidance for Supported Businesses	<p>Section 14a – Guidance for Supported Businesses – reflects the guidance in 13a almost exactly, but is written with the perspective of the Supported Business in mind. All the changes noted in Section 13a, above, have been mirrored in Section 14a as appropriate.</p> <p>You must remind your Supported Businesses of the requirement to read Provider Guidance, particularly updated Section 14.</p>
Section 19	Customer Choice	Added – NOTE: as all referrals to the Work Choice programme have now ceased, due to upcoming programme closure, this section is obsolete. It is retained here for reference only.
Section 20	Work Choice Wage Incentive	<p>Amended para 20.03 – The Work Choice Wage Incentive was introduced in July 2012 and will remain in place until the Work Choice programme closes. It is expected that the final payments for WCWIs will be made alongside the final payments for Work Choice Job Outcomes. This means that, in order to process payments in good time, the last date that a six-month Work Choice Wage Incentivised period can <b>begin</b> in England and Wales is 16<sup>th</sup> March 2019, and 17<sup>th</sup> August 2018 in Scotland.</p> <p>And amended para 20.20 – Due to upcoming programme closure, when marketing this incentive to employers, you or your sub-contractors must be mindful of the final start dates as set out in para 20.3 above.</p>
<b>Annexes</b>		
Annex 3	Working with Sub-Contractors	You are reminded that you must bring Work Choice Provider Guidance, including all amendments, variations, updates, flexibilities, easements and changes to the attention of all your sub-contractors including any Supported Businesses for which you are responsible.
Annex 4	Compatibility with Other Provision	No changes – should you have any specific queries regarding concurrent participation with other programmes, please raise them with your Performance Manager in the first instance.



Annex 7	Identifying Statutory Referral Organisations (SRO)	As all referrals to the Work Choice programme have ceased, guidance pertaining to Statutory Referral Organisations is obsolete. Added note.
Annex 8	Marketing and Publicity	Added - NOTE: as all referrals to the Work Choice programme have now ceased, due to upcoming programme closure, this section is largely obsolete. It is retained here for reference only.

### **Further Information / Contact Details**

If you have any queries about this Live Running Memo please consult your Performance Manager in the first instance.