

ADM Chapter S7: JSA Low-level sanctions

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Introduction

S7001 This chapter gives guidance in respect of low-level sanctions relating to new style JSA (hereafter referred to as JSA) and should be read with ADM Chapter S4 (JSA Sanctions – general principles). Guidance is provided on the meaning of terms, what considerations apply when determining what reduction period applies and the amount of the reduction period.

Note: ADM Chapter M1 (UC Pathfinder) provides guidance on the meaning of new style JSA.

S7002 A low-level sanction is a reduction of JSA for a sanctionable failure by a claimant¹ who

- 1.** falls within specified work-related requirement groups² – see S7009 **and**
- 2.** fails without good reason to comply with specified work-related requirements³ - see S7010.

See ADM Chapter R4 for guidance on work-related requirement groups and work-related requirements. See ADM Chapter S4 (JSA Sanctions – general principles) for the meaning of a sanctionable failure. See ADM Chapter K2 for detailed guidance on good reason.

1 WR Act 12, s 6K; JSA Regs 13, reg 17; 2 WR Act, s 6; 3 s 6B, s 6C, s 6D, s 6E

S7003 The reduction period is in two parts:

- 1.** an open period which ends as in S7016 **1.1** **and**
- 2.** a fixed period of 7, 14 or 28 days² (see S7016 **2.**)

1 JSA Regs 13, reg 21(2); 2 reg 21(3)

S7004 The length of the fixed period reduction in S7003 **2.** depends on whether there have been previous sanctionable failures resulting in a low-level sanction. See S7016 et seq for further details.

S7005 – S7008

When does a low-level sanction apply S7009

Which work-related groups are subject to low-level sanctions

S7009 Claimants in the

- 1.** WFI and work preparation only group¹**or**
- 2.** all work-related requirements group²

who fail without good reason to comply with the work-related requirements in S7010 are subject to a low-level sanction³. See ADM Chapter R4 for guidance on work-related requirements groups.

1 JS Act 95, s 6B & 6C; 2 s 6; 3 JSA Regs 13, reg 17

Definitions S7010 - S7015

Meaning of low-level sanction

S7010 Low-level sanction¹ means a reduction in JSA, where the claimant fails without good reason to comply with

1. a WFI requirement²**or**

2. a work preparation requirement³**or**

3. a work search requirement – but only in relation to a requirement to take particular action specified by the Secretary of State⁴**or**

4. a requirement to

4.1 take part in an interview about the imposition of or the compliance with a work-related requirement⁵**or**

4.2 provide information or evidence of compliance with a work related requirement⁶**or**

4.3 report changes of circumstances relevant to the imposition of or compliance with a work-related requirement⁷.

Note 1: See ADM Chapter R4 for detailed guidance on work-related requirements.

Note 2: See R4040 et seq for further details where the work preparation requirement is to participate in an employment programme, a work placement (other than MWA) or work experience.

1 JSA Regs 13, reg 17; 2 JS Act 95, s 6B(1); 3 s 6C(1); 4 s 6 D(1)(b); 5 s 6 G(1); 6 s 6G (3); 7 s 6G(4)

What is the reduction period S7016 - S7030

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Reduction period

S7016 The reduction period for a low-level sanction is the total of¹

1. the number of days beginning with the date of the sanctionable failure and ending with

1.1 the day before the day on which the claimant meets a compliance condition specified by the Secretary of State **or**

1.2 the day before the day on which the claimant is no longer required to take particular action specified as a work preparation requirement² by the Secretary of State **or**

1.3 the day on which the award of JSA is terminated

whichever is the soonest **and**

2. a fixed period of

2.1 7 days, if **2.2** and **2.3** do not apply

2.2 14 days if, within 365 days of the date of the current failure, but not within 14 days, there was another low-level JSA, UC or ESA sanctionable failure for which a 7 day reduction was imposed **or**

2.3 28 days if, within 365 days of the date of the current failure, but not within 14 days, there was another low-level JSA, UC or ESA sanctionable failure for which a 14 day or 28 day reduction was imposed.

Note 1: See S7021 for the meaning of compliance condition.

Note 2: See ADM Chapter S4 (JSA Sanctions – general principles) for guidance on when the reduction begins where there is more than one sanctionable failure.

S7017 This means

1. a failure **must** be within 365 days of the most recent low-level previous sanctionable failure in order to escalate to the next penalty **or**

2. where there are two low-level failures within 14 days of each other a sanction will be imposed for each failure but the duration of the second sanction will not escalate.

Note: The DM considers whether there has been another low-level sanctionable failure in the 14 days or 365 days immediately before the current sanctionable failure.

Example 1

Mitchell is required to register with a national employment agency as part of his work search requirement by the day before he is next due to attend the jobcentre on 20.11.13. When he attends, Mitchell tells the adviser that he did not register because he did not want to give details on-line, and had not got around to attending the agency's office. Mitchell later provides evidence that he registered with the agency on 26.11.13.

The DM determines that Mitchell had failed without good reason to comply with a specified action as part of a work search requirement. Mitchell has no previous sanctionable failures, so the DM imposes a sanction of 6 days, and a fixed sanction of 7 days following compliance.

Example 2

Malcolm is entitled to JSA. His award has already been reduced for a sanctionable failure including a 7 day fixed period, due to a failure to attend a WFI on 21.5.14. Malcolm was required to take part in a further WFI on 7.8.14 and to produce a CV at the same time, but he fails to attend. He phones on 12.8.14 to say that he forgot about the appointment and still hasn't prepared his CV.

The DM determines that Malcolm had no good reason for his failure to attend the interview and a reduction is imposed including a 14 day fixed period. As Malcolm did not produce a CV on the required date, and has not given an explanation for this, a further reduction including a period of 14 days is imposed for the second failure.

Example 3

Sean is entitled to JSA after being made redundant. He is required to take part in the Work programme, but refuses to attend. The DM imposes a reduction for the sanctionable failure, including a fixed period reduction of 7 days.

Sean is involved in a road traffic accident and after application of the WCA, is found to have LCWRA. The outstanding part of the reduction ends, as the DM determines that Sean is no longer subject to work-related requirements. See ADM Chapter S4 for guidance on the amount of reduction.

Example 4

Polly is entitled to JSA. She is in the all work-related requirements group, and due to a sanctionable failure, a 91 day higher-level sanction is imposed from June 2014. Polly's health deteriorates and the DM determines that she has LCW. Polly is now in the work preparation group and on 22.9.14 she fails to attend an initial WFI. Polly's previous higher-level sanction is not used to calculate the fixed period of the low-level sanction imposed due to the failure to take part in a WFI.

S7018 – S7020

Meaning of compliance condition

S7021 Low-level sanctions have effect for a period which continues until the claimant meets a compliance condition. Low-level sanctions also include a further fixed period¹.

1 JS Act 95, s 6K(5); JSA Regs 13, reg 21

S7022 A compliance condition is the requirement the claimant needs to complete in order to

1. terminate the period of the reduction **and**
2. start the fixed period¹.

This will usually be the original requirement the claimant failed to meet, but where this is not appropriate then it will be a suitable alternative requirement as specified². For example, if a claimant failed to attend a training course which is no longer running, then the compliance condition could be to require the claimant to contact the provider to enquire about future courses or to make an appointment with the adviser to discuss next steps.

1 JS Act 95, s 6K(6); 2 s 6K(7)

S7023 Examples of compliance conditions include

1. meeting the requirement, for example updating a CV or registering with an employment agency
2. making an appointment for a WFI or any interview requirement such as a work search review or commitments review
3. attending the next available skills training course.

Note: This list provides examples only and is **not** exhaustive.

S7024 The claimant is notified of what they must do to meet a compliance condition as in S7022, including where the compliance condition is revoked or varied¹. The compliance condition may be

included in the claimant commitment at the same time as the original work-related requirement.

1 JS Act 95, s 6K(6)

S7025 – S7030

Participating in a scheme designed to assist claimants to obtain employment S7031 - S7045

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S7031 A low-level sanction can be imposed where the claimant fails to comply with a work preparation requirement which

- 1.** is specified by the Secretary of State **and**
- 2.** in the opinion of the Secretary of State makes it more likely that the claimant will obtain paid work, more paid work, or better paid work¹.

Note: This includes participating in a defined scheme designed to assist claimants to obtain employment as listed in S7032 (also see S7010 **2.**)

1 JS Act 95, s 6C(3)(d); JSA Regs 13, reg 17(b)

S7032 The following schemes are prescribed as schemes in which claimants may be required to participate¹

- 1.** Day One Support for Young People
- 2.** The Derbyshire Mandatory Youth Activity Programme
- 3.** Full-time Training Flexibility
- 4.** New Enterprise Allowance (NEA)
- 5.** The sector-based work academy (sbwa)
- 6.** Skills Conditionality (SC)
- 7.** The Work Programme (Wp)
- 8.** Community Work Placement (CwP)

9. Traineeships.

Note: This does **not** include the MWA scheme². For detailed guidance on failures to comply with the MWA scheme see ADM Chapter S5 (Higher-level sanctions).

1 JSA (SAPOE)Regs, reg 3(1); 2 JSA Regs 13, reg 29

S7033 All these schemes aim to support JSA claimants towards or into paid work, more paid work, or better paid work, and address various issues such as a lack of experience of work and the associated skills needed within the work place which can have a significant effect on the chances of unemployed people.

S7034 – S7035

Meaning of fails to comply

S7036 Fails to comply is not defined within legislation and therefore takes its everyday meaning of failing ‘to meet a specific requirement’. For employment programmes and schemes as listed in S7032, this includes a failure to take part in any activity which is specified by the Secretary of State in relation to

1. the specific placement with what the provider expects **and**

2. what is considered

2.1 reasonable **and**

2.2 acceptable

in a working situation and in the claimant’s individual circumstances, which makes it more likely in the opinion of the Secretary of State that the claimant will obtain paid work, more paid work, or better paid work.

S7037 This may include for example

1. turning up for an interview

2. preparing an action plan

3. writing a CV

4. working as a team

5. displaying interpersonal skills

6. taking part in skills training

7. developing a business plan

8. improving personal presentation

9. attending a skills assessment

10. taking part in a work experience or work placement.

It can be any reasonable activity which in the opinion of the Secretary of State will improve a claimant's chances of obtaining paid work, more paid work, or better paid work.

Note: It would be for the DM to consider the claimant's reasons for any failure to comply, and the claimant would have to show good reason for the failure. For detailed guidance on good reason see ADM Chapter K2: Good reason. The guidance for the consideration of good reason for UC failures applies equally to JSA failures.

S7038

Imposition of requirements

S7039 For detailed guidance as to when and how a work preparation requirement is imposed by the Secretary of State in respect of JSA, see ADM Chapter R4: JSA Claimant responsibilities – work related requirements.

S7040

Inappropriate behaviour

S7041 Schemes listed at S7032 are designed to help certain claimants enhance their employment prospects and gain opportunities to develop skills and disciplines associated with a normal working environment such as attending on time, carrying out tasks, working as a team and interpersonal skills – see S7037. Those skills include 'behaviours' acceptable in a place of work.

S7042 Whilst on a relevant scheme, if a claimant uses inappropriate behaviour once mandated onto the scheme, this may be regarded as a failure to comply with a specified work preparation requirement.

S7043 A claimant's acts and omissions will be judged by the DM under good reason with reference to the claimant's personal circumstances – see ADM Chapter K2: Good reason.

Note: Inappropriate behaviour can be any unreasonable act or omission shown towards the employer, other employees or customers, or a refusal to do a specific task, or where the claimant is particularly obstructive.

Example

Wanda starts her Wp placement as required in a charity shop, but is sent home on her first day because of her attitude and rude behaviour towards the other staff and customers. She continually uses obscene language. The DM can consider a sanction as Wanda's loss of the placement due to her behaviour is a failure to comply with a work preparation requirement as specified by the Secretary of State, as it is not considered acceptable behaviour by a reasonable person in a working situation.

S7044 – S7045

Undertaking work experience or work placement S7049 - S7060

[Work experience placements in Work Programme, sector-based work academies or Traineeships](#)
S7049 - S7060

S7046 A low-level sanction can be imposed where the claimant fails to comply with a work preparation requirement specified by the Secretary of State which includes undertaking work experience or a work placement as part of a relevant scheme¹ (see S7010 **2.**)

1 JS Act 95, s 6C(3)(e); JSA Regs 13, reg 17(b)

S7047 In JSA legislation there is no definition of work experience. However work experience still exists as a work preparation activity or as an element within the mandatory work programmes known as

1. Work Programme
2. sector-based work academies **or**
3. Traineeships.

S7048

Work experience placements in Work Programme, sector-based work academies or Traineeships

S7049 Participation on a work experience opportunity is voluntary, and claimants who leave or lose a place on such a placement as described in S7047 **2 2.1** or **2.2** are treated as having good reason for the failure to comply, unless they lose the place through **gross** misconduct.

Note: For detailed guidance on what constitutes gross misconduct, see ADM Chapter K5 (Low-level sanctions).

S7050 The claimant is informed that, whilst participation in the work experience opportunity is voluntary, if their behaviour falls below an acceptable standard, a sanction to their benefit may be applied. For detailed guidance on good reason, see ADM Chapter K2: Good reason.

S7051 - S7060

Fails to participate in an interview S7061 - S7999

S7061 It is a failure to participate without good reason in an interview in such a manner, time and place as specified by the Secretary of State that provides the reason to sanction¹.

Note: For detailed guidance on the considerations for good reason see ADM Chapter K2: Good reason. The guidance and principles used for the consideration of good reason for UC failures applies equally to JSA failures.

1 JS Act 95, s 6G

S7062 Participation includes all ways of taking part in an interview whether by

- 1.** actual attendance **or**
- 2.** phone **or**
- 3.** electronic means (e.g. e mail).

It is the advisor who will specify the manner of participation.

Note: For guidance on connected work-related requirements see ADM Chapter R4: Claimant responsibilities – Work requirements.

S7063 – S7999

The content of the examples in this document (including use of imagery) is for illustrative purposes only