

# Withdrawn

**This publication is withdrawn.**

This publication is no longer current.

# **Work Programme Universal Credit Claimant Provider Guidance for 2018 Deed of Variation**

Please Note: Referrals to this programme ended on 31 March 2017.  
This guidance is for existing Work Programme participants only

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## Chapter 1: Introduction and Overview

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

1.01 This chapter covers:

- [An Introduction to the Work Programme](#)
- [Overview of the Work Programme](#)
- [Key Responsibilities](#)
- [Duration of the Work Programme](#)
- [Referral](#)
- [The Participant Experience](#)
- [Travel Costs and Additional Costs](#)
- [Key interactions with Jobcentre Plus](#)

### An Introduction to the Work Programme

1.02 The Government has been clear that it expects a step change in the delivery of Welfare to Work support, with much greater emphasis on personalisation and results. As such we are giving contracted providers far more freedom to innovate and design your services in the most effective and efficient way possible. To help you do this, we have kept required processes to a minimum.

1.03 This programme specific guidance sets out the essential things you need to know and do in order to meet the Government's expectations. We have also included background information to help inform your delivery model.

1.04 This guidance is separate to the original Work Programme Provider Guidance and is specific to Work Programme providers who have moved to new contract terms under the 2018 Deed of Variation.

1.05 There are key changes to the Work Programme contract under this variation and this guidance reflects these changes.

1.06 In addition to this programme-specific guidance it is important that contracted providers follow the Generic DWP Provider Guidance which applies to all of our provision and ensure that European Social Fund (ESF) requirements are adhered to. Further information regarding ESF requirements can be found in [Generic Provider Guidance Chapter 11 – ESF requirements](#).

### Overview of the Work Programme

1.07 The key purpose of the Work Programme is to support participants into sustained employment and the payment model reflects this aim. Further information regarding the payment model can be found in [Generic Provider Guidance Chapter 5 – Evidencing/Validating Payments- Job Outcomes and Sustained Job Outcomes](#).

1.08 All claimants due to join the Work Programme will be referred to you by Jobcentre Plus Work Coaches. They will determine a claimant's eligibility for the Programme and,

where claimants have the option to participate voluntarily, will determine if the Work Programme is the most appropriate option.

- 1.09 Jobcentre Plus will randomly allocate all claimants to Work Programme providers based on your market share of each claimant group and from this point of referral claimants will be deemed participants.

- 1.10 You are responsible for engaging with all participants and conducting attachment activity within 15 working days of the participant being referred by Jobcentre Plus. You will have 104 weeks to work with each participant unless they complete the programme early. Participation may be, or become, mandatory or voluntary if there is a change of circumstances during the participants' time on the Work Programme.
- 1.11 A participant's eligibility may change throughout their time on the programme. The 104 week duration includes periods where a participant moves into and out of employment and where participation becomes voluntary. Whilst participants are on the Work Programme, Jobcentre Plus will continue to be in contact with them to check that they are meeting their conditions for claiming Universal Credit (UC), as set out in their Claimant Commitment (if applicable). For example, UC participants in the Intensive Work Search regime will continue to be required to attend Work Search Reviews and demonstrate that they are taking all reasonable action to search for work and are immediately available for work.
- 1.12 Jobcentre Plus remains responsible for the overall participant experience and will collect any informal feedback that participants volunteer about their provision. This will be passed to your DWP Performance Managers on a regular basis.

### Key Responsibilities

**Whilst participants are on the Work Programme you are responsible for**

- completing attachment activities with participants within 15 working days
- helping participants to do all they can reasonably do to prepare for, find and stay in sustainable work by providing services to participants in line with your minimum service standards as set out in your delivery model
- raising compliance doubts with UC Decision Makers, and notifying us when participants subsequently comply
- reporting specified changes in participant's circumstance to Jobcentre Plus.
- producing an exit report, when a participant completes the Work Programme, within 10 days of Jobcentre Plus requesting it
- ensuring that ESF requirements are adhered to: Further information regarding ESF requirements can be found in [Generic Provider Guidance Chapter 11 – ESF requirements](#).

## Duration of the Work Programme

1.13 Once Jobcentre Plus refers a claimant to the Work Programme, unless the participant completes early, you will be expected to deliver 104 weeks of continuous support to work with that participant to help them find sustainable employment, more employment or better paid employment. Further information can be found in [Chapter 10- Completing the Work Programme](#).

**Please Note:** Early completion applies if the provider has completed all outcomes within the allotted time, the participant is referred to Work Choice with the agreement of their Jobcentre Plus Work Coach or they become deceased.

1.14 If there is a change in circumstances resulting in a change of labour market regime the participant will remain with you, though the requirements imposed on the participant will change to reflect the characteristics of the labour market regime. The support offered must be reasonable and relevant to the participant's circumstances. Further information can be found in [Chapter 2 – Work Programme Claimant Groups](#).

1.15 You remain responsible for ensuring that participants receive the right support for the whole 104 week period. For example, if they move out of your Contract Package Area, or if there has been a breakdown in relations between you and the participant it will be for you to determine the appropriate course of action. This might include using other elements of your supply chain, changing your method of delivery, or making arrangements with other providers to deliver support.

1.16 Participants cannot be re-referred to the Work Programme once they have completed their 104 week support period.

## Referral

1.17 Claimants will be referred by Jobcentre Plus at a Work Programme referral interview. During this interview, they will be asked to sign a revised Claimant Commitment setting out the terms of their participation on the Work Programme. They will also be given information about their rights and responsibilities and the minimum service standards that they can expect from you.

1.18 Jobcentre Plus will randomly allocate claimants, according to market share arrangements, and will supply you with information about each participant.

## The Participant Experience

- 1.19 You have flexibility to design an innovative and personalised approach to help an individual back to work. You are expected to ensure participants are fully informed about the minimum service standards that you put in place, as well as your complaints process. In order to prepare the participant for a positive start on the Work Programme, this information will be issued to participants by Jobcentre Plus Work Coaches at their referral interview.
- 1.20 You are required to deliver your minimum service standards to all referred claimants whilst they remain attached to the Work Programme provided it is both feasible and reasonable in the participant's circumstances. Where it is not possible to deliver your minimum service standards because of a participant's circumstances you will need to arrange alternative approaches to satisfy this requirement.
- 1.21 You will have effective processes in place to ensure you deliver your minimum service standards and are able to demonstrate how you fulfil this requirement or where appropriate, how and why alternative approaches were required or why it was not feasible to do so, for example, where a voluntary participant has disengaged.
- 1.22 You are only expected to deliver those elements of your minimum offer which are reasonable to deliver.

## Travel Costs and Additional Costs

- 1.23 Participants should not be worse off by virtue of attending the Work Programme.
- 1.24 Providers are responsible for travel, childcare, replacement caring costs and additional support costs whilst the participant is on the Work Programme. See the terms of your contract for further information.

## Key interactions with Jobcentre Plus

- 1.25 While the participant is on the Work Programme, you will need to work together with Jobcentre Plus in the following ways:
- Jobcentre Plus will notify you about any relevant changes in the participant's personal circumstances and labour market regime. There are also some changes we expect you to inform us about. Further information can be found in [Chapter 5 – Change of Circumstances and Notifications](#).
  - You are expected to facilitate the compliance doubt process by engaging promptly with UC Decision Makers when participants have not complied with a mandatory activity and when they subsequently re-comply, particularly for participants with low level sanctions which include an open-ended component.



- Some participants may be required to attend mandatory interventions with Jobcentre Plus. For example, UC participants will be required to attend their Work Search Reviews and other mandatory interventions at Jobcentre Plus. You should ensure that the work you do with participants does not prevent them from attending these appointments.
- 1.26 You will be required to supply an exit report to Jobcentre Plus for those participants who complete the Work Programme and return to Jobcentre Plus. This will help Jobcentre Plus make a decision on the appropriate next steps for that participant. Further information can be found in [Chapter 10 - Completing the Work Programme](#)

## Chapter 2: Work Programme Claimant Groups

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

2.01 This chapter covers:

- [Background](#)
- [Overview of Work Programme claimant groups](#)
- [Claimant eligibility and entry points](#)
- [Claimant participation requirements](#)
- [Participant changes in circumstances during the Work Programme](#)
- [Annex A - Work Programme claimant groups](#)

### Background

2.01 The Work Programme will support a wide range of different claimants, in receipt of different benefits. As such, claimants who join the Work Programme will have a wide range of different circumstances and requirements. The nature of their participation, entry point to the Work Programme and payment group will be determined by their claimant group.

2.02 The eligibility criteria for new claims to Universal Credit (UC) will change over time as UC expands, up-to-date eligibility criteria can be found here: [Making your UC claim](#). In certain postcode areas, claimants do not need to meet the specific criteria given above. Further information specific to these areas can be found at: [Universal Credit information for claimants](#).

2.03 Jobcentre Plus will randomly allocate claimants to you by claimant group and payment group, according to your market share. Further information regarding market share can be found in [Chapter 11 – Market share shift](#).

2.04 All UC claimants due to join the Work Programme will be referred to you by Jobcentre Plus Work Coaches. Claimants will be allocated to the appropriate labour market regime, which determines their work related requirements and nature of their participation on the Work Programme.

2.05 Full information about Universal Credit for Providers of DWP Programmes can be found at: [Universal Credit toolkit for partner organisations](#).

### Overview of Work Programme claimant groups

2.06 The Work Programme will support a range of UC claimants with different circumstances and requirements.

2.07 UC claimants fall into one of four legally defined conditionality groups. The conditionality group determines the work related requirements claimants must satisfy to receive UC. The four groups are;

- **All Work-Related Requirements Group (AWRR)** – claimants are expected to take all reasonable actions to prepare for, secure and be available for work, more work or better paid work;
- **Work Preparation Group (Work Prep)** – claimants are expected to take particular actions to increase the likelihood of obtaining paid work, more paid work or better paid work, prepare for work and to participate in Work Focused Interviews at their Jobcentre;
- **Work Focused Interviews Only Group (WFI)** – Claimants are expected to start work in the future and are required to attend periodic interviews at their Jobcentre to plan for their return to work;
- **No Work-Related Requirements Group (NWRR)** – Claimants have no work related requirements

2.08 Within these 4 conditionality groups claimants are allocated to one of 6 labour market regimes according to individual and household information, characteristics and earnings.

2.09 The labour market regime determines the work related requirements placed on claimants and also the nature of their participation and entry point to the Work Programme. Further information on payment groups, participant entry points and participation requirements can be found in [Annex A](#).

2.10 Throughout this guidance we will refer to the labour market regimes and the following table reflects the characteristics of each labour market regime.

### **Labour market regimes and claimant characteristics**

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<b>Labour Market regime</b>	<b>Claimant Characteristics</b>
Intensive Work Search regime	Those not working and those who are working but earning very low amounts
Light Touch regime	Those who are in work but earning less than could reasonably be expected based either on their household or individual earnings
Work Preparation regime	<p>Those who are expected to work in the future but are not expected to look for work at this stage</p> <p>Limited capability for work at the present time due to a medical condition or have caring responsibilities (for a child aged 3 or 4 years old)</p>
Work Focused Interview regime	<p>The responsible carer for a child or children (as defined in regulations) are only required to attend a Work Focused Interview with a Jobcentre Plus Work Coach</p> <p>Currently committed due to caring responsibilities (for a child aged 1 or 2 years old)</p> <p>Other claimants including responsible foster parents and friends and family carers (specific rules apply to each of these)</p>
No Work Related Requirements regime	<p>Those not expected to work at present-</p> <p>Responsible carers (for a child under 1) and relevant full time carers (for a person with a mental or physical impairment)</p> <p>Adopter of a child placed with the claimant within the last 12 months</p> <p>Claimant is pregnant and it is 11 weeks or less before expected week of confinement or has been pregnant and it is no more than 15 weeks from expected week of confinement</p> <p>Those claimants over State Pension Age.</p> <p>Claimants with limited capability for work and work-related activity due to a health condition.</p> <p>Claimant is under 21, in non-advanced education and without parental support</p> <p>Claimant has student income taken into account in the calculation of the award.</p>

Working Enough regime	Those with individual or household earnings at or above the level at which conditionality ceases to apply
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### Claimant eligibility and entry points

2.11 Initial referrals to the Work Programme may be from any of the following labour market regimes:

- Intensive Work Search regime – referral will either be mandatory, or through voluntary early access, with participation being mandatory
- Work Preparation regime – referral will either be mandatory or voluntary, with participation being mandatory
- Work Focused Interview regime – referral and participation will both be voluntary
- No Work Related Requirements regime – referral and participation will both be voluntary

2.12 Initial referrals will not be made from the Light Touch or the Working Enough regimes, as these claimants have earnings above the threshold for Work Programme participation.

2.13 Claimants will have different entry points to the Work Programme and different participation requirements, depending on their individual and personal circumstances and labour market regime

2.14 The claimants entry point to the Work Programme is calculated from the date the claimant is placed into the relevant labour market regime not the date of the UC claim.

2.15 Claimants on new-style JSA or new-style ESA will be referred on the same basis as other UC claimants i.e. depending on their circumstances and labour market regime.

**Please note:** Participants are not generally informed of the labour market regime they have been allocated to just the work related requirements that apply to the regime.

### Claimant participation requirements

2.16 In Universal Credit the general rule is that mandatory referral to the Work Programme will apply to claimants in the Intensive Work Search labour market regime.

2.17 Mandatory referral will also apply to claimants in the Work Preparation labour market regime (from a WCA outcome). These are UC claimants with a 3, 6 or 12 month prognosis; including ex IB claimants with a 3, 6 or 12 month prognosis.

- 2.18 In all other cases a UC claimants' referral to Work Programme will be optional at the **point of referral**. Once they have started on the Work Programme their on-going participation will be voluntary or mandatory depending on the labour market regime to which they belong. Further information can be found in [Chapter 3A – Work Programme Mandation](#).

### **Participant changes in circumstances during the Work Programme**

- 2.19 During their 104 weeks on the Work Programme some participants will have changes in their circumstances. Further information can be found in [Chapter 5 - Change of Circumstances and Notifications](#).
- 2.20 You remain responsible for supporting these participants regardless of these changes, but the nature of their participation may change. You should ensure that the activities that you require of a participant are in line with the participation requirements defined by their current labour market regime.
- 2.21 If there is a change of circumstances which results in a change of labour market regime the participant remains with the Work Programme provider. It may mean that participation becomes mandatory or voluntary at different times during the Work Programme. You should ensure that the work related activities required of the participant are consistent with the requirements of the labour market regime they are in.
- 2.22 If a claimant has a change of circumstances that causes them to move to another labour market regime then they must accept an updated Claimant Commitment to continue to be eligible for UC. The Claimant Commitment will reflect their new circumstances and appropriate work related requirements.
- 2.23 A detailed description of the Work Programme eligibility for UC claimants can be found in [Annex A](#).

### **UC participant reports sickness**

- 2.24 Where a participant in the Intensive Work Search labour market regime reports sickness they will remain on Work Programme and you must tailor support according to the circumstances and capability of the participant. The participant's conditionality requirements may be temporarily 'switched off' and/or they may move into the Work Preparation or no work related requirements labour market regimes.
- 2.25 Following a Work Capability Assessment or an appeal you will be notified of a relevant change in labour market regime, or conditionality requirements, and whether participation in the Work Programme is voluntary or mandatory. Further information can be found in [Chapter 5 – Change of Circumstances and Notifications](#).

**UC participants appealing their fit for work decision**

- 2.26 Where a UC participant disagrees with their fit for work decision following a mandatory reconsideration, they can lodge an appeal to HMCTS and they will remain on Work Programme.
- 2.27 Whilst a participant is appealing against a decision in respect of limited capability for work (LCW) or limited capability for work related activity (LCWRA). You must tailor support according to the circumstances and capability of the participant. Participation for those in the Intensive Work Search or Work Preparation labour market regimes will remain mandatory unless the WCA or appeal outcome is LCWRA.
- 2.28 Following a WCA or appeal outcome you will be notified of a change in labour market regime, or conditionality requirements, and whether participation in the Work Programme is voluntary or mandatory. Further information can be found in Chapter 5- Change of Circumstances and Notifications.

**ANNEX A – WORK PROGRAMME CLAIMANT GROUPS**

**Table 1: UC Claimants - Mandatory Referral and Mandatory Participation**

<b>Labour Market regime</b>	<b>Participant</b>	<b>Access Point</b>	<b>Legacy</b>	<b>Payment Group</b>
<b>Intensive Work Search regime</b>  Those not working and those who are working but earning very low amounts (below the Administrative Earnings Threshold)	Those aged 18-24	9 months from the date the claimant is placed in the Intensive Work Search Regime	JSA 18 – 24	PG1
	Those aged 25 and over	12 months from the date the claimant is placed in the Intensive Work Search regime	JSA25+	PG2
	Those aged 18 and not in education, employment or training (NEET) for 6 months OR had previously claimed hardship payment when 16 or 17.	3 months from the date the claimant is placed in the Intensive Work Search regime	JSA NEET	PG3
	Those who have claimed UC in a conditionality group and labour market regime which would require a referral to WP and/or claimed JSA for 22 out of the previous 24 months		JSA Claiming 22 out of 24 months	PG3
	Those ex IB claimants who have been found fit for work and subsequently made a claim to UC		JSA EX IB	PG4
	Prison Leavers from the day they are released or the day they make their claim to UC if it is within 13 weeks of their release	Day 1 if benefit claim begins within 13 weeks of leaving prison and is placed in the Intensive Work Search regime	JSA EX Offenders day 1 mandation	PG9
<b>Labour Market regime</b>	<b>Participant</b>	<b>Access Point</b>	<b>Legacy</b>	<b>Payment Group</b>



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<p><b>Work Preparation regime</b></p> <p>Those who we expect to work in the future but are not expected to look for work at this stage</p>	<p>UC claimants with a 3, 6 or 12 month prognosis. Cannot be mandated to undertake medical treatment, apply for jobs or take up work or unpaid work experience.</p>	<p>From the Work Capability Assessment (WCA) outcome</p>	<p>ESA(IR) WRAG</p>	<p>PG6A/ PG6B</p>
	<p>UC claimants (ex IB claimants) with a 3, 6 or 12 month prognosis. Cannot be mandated to undertake medical treatment, apply for jobs or take up work or unpaid work experience.</p>		<p>ESA (IR) WRAG ( EX IB)</p>	<p>PG7</p>

**Table 2: UC Claimants - Voluntary Referrals and Mandatory Participation**

Some claimants can opt to enter the Work Programme early. Once on the Programme the activities will be mandatory unless a change of labour market regime means their participation becomes voluntary.

Labour Market regime	Participant	Access Point	Legacy	Payment Group
<b>Intensive Work Search regime</b> Those not working and those who are working but earning very low amounts (below the Administrative Earnings Threshold)	Care leaver aged 18 - 21	From Day 1 or from the date the claimant is placed in the Intensive regime	JSA Early Access Participants – Care leaver	3
	Ex-offenders (if claim after 13 weeks from release) and offenders serving a community sentence	3 months from the date the claimant is placed in the Intensive Work Search regime	JSA Early Access Participants	
	Disabled person (Equality Act definition)			
	Person with mild to moderate mental health issues			
	Carer			
	Ex carer			
	Homeless person			
	Former member of HM armed forces personnel			
	Partner of a current or former member of HM armed forces personnel			
	An HM Armed Forces reservist participant			
Person with either current or previous substance (drug/alcohol) dependency problems that present a significant barrier to employment				
Claimants affected by the Benefit Cap				

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Labour Market regime	Participant	Access Point	Legacy	Payment Group
<p><b>Work Preparation regime</b></p> <p>Those who we expect to work in the future but are not expected to look for work at this stage.</p> <p>Cannot be mandated to apply for jobs or take up work or unpaid work experience.</p>	<p>Responsible carers with a child aged 3 or 4, <b>AND</b> with limited capability for work due to a medical condition with a 3 or 6 month prognosis.</p> <p>Cannot be mandated to undertake medical treatment, apply for jobs or take up work or unpaid work experience.</p>	<p>From WCA outcome/when child turns 3.</p>	<p>ESA WRAG (IR) – 3 and 6 month prognosis</p>	<p>6</p>
	<p>Ex- IB responsible carers with a child aged 3 or 4, <b>AND</b> with a limited capability for work due to a medical condition with a 3 or 6 month prognosis.</p> <p>Cannot be mandated to undertake medical treatment, apply for jobs or take up work or unpaid work experience.</p>		<p>ESA WRAG (ex IB) – 3 and 6 month prognosis</p>	<p>7</p>
	<p>Responsible carer with a child aged 3 or 4, <b>AND</b> with a limited capability for work due to a medical condition with a 12 month prognosis.</p> <p>Cannot be mandated to undertake medical treatment, apply for jobs or take up work or unpaid work experience.</p>		<p>ESA WRAG (IR) – 12 month prognosis</p>	<p>5</p>
	<p>Limited capability for work due to a medical condition with an 18 or 24 month prognosis.</p> <p>Cannot be mandated to undertake medical treatment, apply for jobs or take up work or unpaid work experience</p>	<p>From WCA outcome</p>	<p>ESA WRAG (IR) – 18 and 24 month prognosis</p>	<p>5</p>

**Table 3: UC Claimants - Voluntary Referrals and Voluntary Participation**

Some claimants can opt to enter the Work Programme early and their participation remains on an entirely voluntary basis unless a change of labour market regime means their participation becomes mandatory. A provider may not mandate voluntary participants to undertake activity.

Labour Market regime	Participant	Access Point	Legacy	Payment Group
<b>No Work Related Requirements regime</b>  Not expected to work at present	Claimants in the No Work Related Requirements group AND given a 3 or 6 month prognosis	Optional from WCA outcome.	ESA (IR) WRAG – 3 or 6 month prognosis	6
	Claimants in the No Work Related Requirements group AND Given a 3 or 6 month prognosis AND Ex IB		ESA (IR) Ex IB WRAG – 3 or 6 month prognosis	7
	Claimants in the No Work Related Requirements group AND Given a 12 month plus prognosis		ESA WRAG – 12+ month prognosis	5
	UC claimants with limited capability for Work Related Activity.	Optional from WCA outcome	ESA Support Group	6
	UC claimants who are Ex IB, with limited capability for Work Related Activity.		ESA Support Group (Ex IB)	7
	UC claimants over State Pension Credit Age	Optional from 12 months (after being placed in the NWRR regime)	Pension Credit claimants	2
	UC claimants over State Pension Credit Age with a self-declared health condition	Optional from time when placed in the NWRR regime.	Pension Credit claimants with a health condition	5

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Labour Market regime	Participant	Access Point	Legacy	Payment Group
<p><b>Work Focused Interview regime</b></p> <p>Not expected to work at present but plan for their return to future work and required to attend periodic interviews</p>	<p>Claimants in the Work Focussed Interview group AND Given a 3 or 6 month prognosis</p>	<p>Optional from WCA outcome</p>	<p>ESA (IR) WRAG – 3 and 6 month prognosis</p>	<p>6</p>
	<p>Claimants in the Work Focussed Interview group AND Given a 3 or 6 month prognosis AND Given a 3 or 6 month prognosis AND Ex – IB</p>		<p>ESA (IR) Ex IB WRAG – 3 and 6 month prognosis</p>	<p>7</p>
	<p>Claimants in the Work Focussed Interview group AND Given a 12 month plus prognosis</p>		<p>ESA WRAG 12+ month prognosis</p>	<p>5</p>

## Chapter 3A: Work Programme Mandation

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

3.01 This chapter covers:

- [Background](#)
- [High Level Must Dos](#)
- [Mandatory Activities](#)
- [Mandating participants to undertake activity](#)
- [Detailed background and further information](#)
- [Mandating participants to an activity or appointment that attracts a low level sanction](#)
- [Low level sanction detail](#)
- [Mandating participants to undertake an activity that attracts a higher level sanction](#)
- [Higher level sanction detail](#)
- [Participants' circumstances](#)
- [Annex A - Completing the Mandatory Activity Notification \(MAN\)](#)
- [Annex B - Completing the Mandatory Employment Notification \(MEN\)](#)
- [Annex C - Establishing appropriate employment opportunities for activity that attracts a higher level sanction](#)

### Background

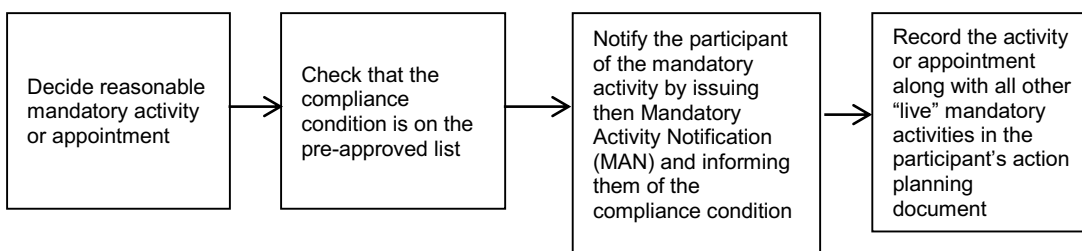
3.02 This chapter provides you with information on setting mandatory requirements for Universal Credit (UC) participants when they are on the Work Programme.

3.03 The labour market regime that a participant is in will determine the level and type of work-related requirements that they must undertake in order to receive Universal Credit. This chapter explains how participation on the Work Programme differs depending on the labour market regime and how to identify and set mandatory requirements.

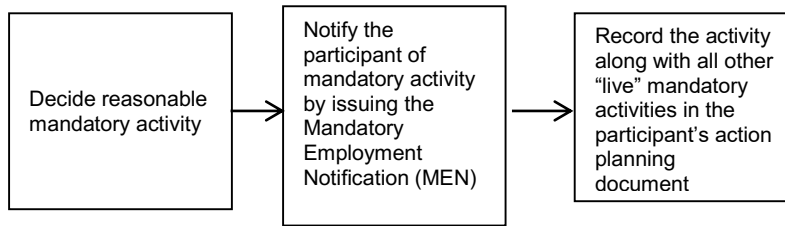
**Please note:** This chapter should be read in conjunction with [Chapter 2 Work Programme Claimant Groups](#) and [Chapter 4B Safeguarding and Vulnerability](#).

### High Level Must Dos

#### Mandatory Activity Notification



### Mandatory Employment Notification



### Mandatory Activities

3.04 Mandation is a tool to be used to encourage participation in the Work Programme. The table at Annexe A sets out the work related requirements that participants may be mandated to undertake whilst on the Work Programme.

3.05 The labour market regime a participant is in determines the activity they can be mandated to undertake.

Activities could include:

- work search activities; such as carrying out work searches, making job applications, registering with employment agencies, seeking references and creating an on-line profile.
- work preparation activities such as; attending a skills assessment, participating in training, undertaking work experience or a work placement
- interviews may include:
  - assessing the participant's prospects of obtaining paid work, more work or better paid work
  - identifying current or future work opportunities for the claimant that are relevant to the claimant's needs and abilities
  - identifying training and educational opportunities to help move the claimant into work, more work or better paid work

**Please Note:** The list above is not exhaustive

3.07 The following table sets out the work related requirements that participants may be mandated to comply with whilst on the Work Programme

Labour Market regime	Mandatory requirements whilst on the Work Programme
Intensive Work Search regime	Attend interviews (Provider and employment) Undertake work search activities Undertake work preparation activities
Light Touch regime	No mandatory requirements
Work Preparation regime	Attend interviews (provider only) Undertake work preparation activities
Work Focused Interview regime	No mandatory requirements
No Work Related Requirements regime	No mandatory requirements
Working Enough regime	No mandatory requirements

3.08 There is discretion within this in setting what a participant must do, based on their individual circumstances, capability and needs. The requirements set for participants and the support available to them should be flexible and personalised.

3.09 All requirements should be reasonable in light of a participant's circumstances and capability. Further information can be found in [Chapter 4B - Safeguarding and Vulnerability](#) and [Chapter 6 – Raising a Compliance Doubt](#).

### **Mandating participants to undertake activity**

3.10 To mandate a participant correctly, you must ensure certain policy, procedural and legal regulations are adhered to.

3.11 The following steps must be taken on every occasion you mandate a participant using a Mandatory Activity Notification (MAN) or a Mandatory Employment Notification (MEN) :

- Ensure that the activity is reasonable in the participant's circumstances
- Ensure that the participant understands the mandated requirement and the potential consequences of failing to meet the requirement
- Notify the participant in writing of the mandatory requirement, using the relevant mandatory notification.

3.12 On the MAN **and** the MEN, you must record:

- The specific action that the participant is required to undertake.
- When or by when the participant must undertake it.
- What evidence, if any, the participant must supply to demonstrate completion.



3.13 The following steps must also be taken on every occasion you want to mandate a participant using a Mandatory Activity Notification (MAN):

- Notify the participant of the relevant pre-approved compliance condition on the MAN at the same time as issuing the mandatory requirement

3.14 When developing the MAN or MEN you must adhere to the policy, procedural and legal requirements. A sanction can only be considered for non-compliance if the participant was correctly notified.

**Please note:** You must use the MAN or MEN embedded at [Annex A](#) and [Annex B](#). They must not be altered materially. The MAN or MEN must be either handed direct to the participant or sent by post to the participant's home address. Where a customer is of no fixed abode a correspondence address should be used. You may also choose to use registered post to ensure delivery.

3.15 Record the information from the MAN/MEN along with all other on-going mandatory requirements in a single action planning document. Further information can be found in [Chapter 3B – Work Programme Action Planning](#).

#### **Consequence**

If you mandate the participant to an activity that is not reasonable in their circumstances, a compliance doubt referral may be cancelled by the Universal Credit Decision Maker (UCDM).

The UCDM will make a decision based on an assumption that the MAN meets requirements. If you fail to mandate correctly any sanction imposed would not be underpinned by the legal framework, and any decision to sanction will be overturned by the Disputes and Resolution Team.

3.16 Where you mandate, you must always take follow up action if the participant fails to participate in the mandated activity by undertaking the compliance doubt process. Further information regarding the compliance doubt process can be found in [Chapter 6 – Raising a Compliance Doubt](#).

#### **Mandating and safeguarding for vulnerable participants**

3.17 When mandating a vulnerable participant to an appointment or activity, you must ensure that they fully understood the mandatory requirement, compliance condition and the consequences of non-compliance prior to submitting a compliance doubt referral. This action is referred to as safeguarding.

3.18 If you issue the MAN at a face to face meeting, you must ensure the participant understands the mandatory requirement, compliance condition and the consequences of non-compliance. In this instance safeguarding is completed at the point of mandation. You are not required to repeat safeguarding if the participant subsequently fails to undertake the original mandatory requirement.

- 3.19 You must carry out safeguarding for vulnerable participants on each occasion that you set a mandatory requirement. Safeguarding must always be carried out prior to submitting a compliance doubt referral.
- 3.20 If you send the MAN to the participant by post you must ensure that they fully understood the mandatory requirement, compliance condition and the consequences of non-compliance prior to submitting a compliance doubt referral. This safeguarding action must be done as part of a face to face discussion prior to submitting a compliance doubt referral.
- 3.21 Further information regarding safeguarding vulnerable participants can be found in [Chapter 4b - Safeguarding and Vulnerability](#).

### **Detailed background and further information**

#### **Mandating participants to an activity or appointment that attracts a low level sanction**

- 3.22 You may decide to use mandation where you feel it is the best approach for encouraging a participant to attend an appointment or complete an activity.
- 3.23 For example, once it is apparent that a participant has not undertaken a non-mandated activity, you should consider mandating them to their next activity to help ensure they effectively engage with you. This also gives a clear message that a pattern of failing to participate will result in a sanction.
- 3.24 You must ensure there is a clear link between cause and consequence. Not undertaking a mandatory activity will result in a sanction being imposed if a decision maker decides there was not a good reason for the non-compliance. Further information on labour market regimes, conditionality groups and mandatory activities can be found in [Chapter 2 –Work Programme Claimant Groups](#).
- 3.25 Irrespective of your delivery model you must always issue a separate MAN for each activity.
- 3.26 It is a requirement that any change to a mandated activity is notified on a new MAN so that it is specific to the new activity. It is also important to allow sufficient time between issuing the new MAN and the time of the new activity. If a new MAN is issued the old MAN should be cancelled.
- 3.27 In addition to the information contained in the MAN letter, the participant would benefit from further verbal clarification of how the sanction regime could affect them. However, if the participant raises any specific questions around their sanction rates you should refer them to Universal Credit for advice.
- 3.28 Participants in the Intensive Work Search and Work Preparation regime are required to undertake work preparation activities that will help move them into work. Failure to undertake these activities, when mandated, can result in a low level sanction.

- 3.29 When mandating the participant to undertake an activity or attend an appointment it is important to explain this to them and ensure they understand what they are being required to do.
- 3.30 A mandated activity or appointment that attracts a low level sanction can include anything that you require a participant to do whilst on the Work Programme (except applying for and taking up paid work as this attracts a higher level sanction if the participant fails to comply). This can also include activities that the participant sources themselves provided they are appropriately recorded and notified on a MAN. The participant must understand the consequences of any subsequent non-compliance
- 3.31 A low level sanction has an open-ended element as well as a fixed period. Generally, the open ended period runs from the date of non-compliance and remains in place until the day before the participant undertakes the original requirement or satisfies the pre-approved compliance condition you have agreed. Further information on the open ended element and fixed period of low level sanctions can be found in the section [‘Low level sanction detail’](#).
- 3.32 You must explain the potential consequences if the participant fails to undertake the mandatory requirement and exactly what action they must take to stop the open ended part of the sanction.
- 3.33 Further information can be found in [Chapter 4B - Safeguarding and Vulnerability](#), [Chapter 6 – Raising a Compliance Doubt](#) and [Chapter 7- Re-compliance and Reviewing a Sanction](#).

### **Confirm compliance condition**

- 3.34 Where you mandate a participant to an appointment or an activity, you must inform them of the relevant pre-approved compliance condition at the same time as notifying the original mandatory requirement. The compliance condition must also be recorded on the MAN to ensure the participant knows in advance what they should do if they fail to undertake the original requirement.
- 3.35 DWP has a pre-approved list of compliance conditions for providers to use. These compliance conditions are:
- Contact the provider and agree a date for future attendance and attend re-arranged appointment
  - Undertake agreed work preparation activity (or agree to and undertake this activity at an agreed future date where it cannot be completed on the same day).
  - Supply specific information (relevant to work-related requirements).
  - Agree a date for future attendance at an appointment/placement with a third party (i.e. college, work placement, skills training course) where the third party cannot arrange for same day and attend the re-arranged appointment.

## Actions

### 3.36 Ensure:

- The compliance condition is on the pre-approved list before mandating the participant to an appointment or activity.
- The participant understands what they need to do i.e. the mandatory activity and associated compliance condition.
- The participant understands that if they fail to undertake a mandated activity, they may be subject to a sanction; comprising of an open-ended element and a fixed period (low level sanction). The open-ended period will continue until the day before they meet the compliance condition or complete the original requirement.
- The agreed compliance condition is inserted into the Mandatory Activity Notification (MAN).
- [Annex A](#) provides information on completing the MAN.

#### **Please note:**

- Further information on the above actions can be found in [Chapter 6 – Raising a Compliance Doubt](#)
- Information on completion of the UC194 and actions to take when a participant satisfies the compliance condition can be found in [Chapter 7- Re-compliance and Reviewing a Sanction](#).

#### **Consequence:**

If the compliance condition is not on the pre-approved list, the UC DM will cancel your compliance doubt referral. This will waste resource and time for you and the UC DM.

## Low level sanction detail

### 3.37 The **low level sanction** is in two parts:

- **Open ended period** – this starts on the day the participant failed to undertake the mandatory requirement and will stop the day before the participant satisfies the compliance condition or is no longer subject to the original requirement. The open ended period of the sanction will be applied to the 'Total Outstanding Reduction Period' (the total of all sanctions imposed on the participant which have not yet resulted in a reduction to the award) from the start of the sanctionable non-compliance rather than waiting for the compliance condition to be met. The open ended element of a sanction runs until:
  - The day before the participant satisfies the compliance condition; or
  - The day before the participant is no longer subject to the original requirement (e.g. they move to a different labour market regime); or
  - The day that the UC award ends (unless this is by reason of a couple forming or splitting).
- **Fixed period** – The length of the fixed period depends on previous low level sanctions. A first failure will attract a fixed period of 7 days; a second

(within 365 days of the first) of 14 days, and third and subsequent failures (within 365 days of the previous) will attract a fixed period of 28 days. However, if two failures happen within 14 days of each other, the fixed period will not escalate.

**3.38 For example:**

Carol was mandated to update her CV and bring it to the provider office on Monday. When mandated she was told if she fails to bring the CV in on Monday without good reason then a low level sanction will apply, including an open-ended period that will continue until she does bring her CV in. In this instance bringing her CV in is the compliance condition. Carol brings in her CV on Thursday. The provider has raised a compliance doubt and the UCDM determines Carol has failed without good reason to meet a work preparation requirement and imposes a low level sanction.

This sanction has an open ended period of 3 days and a fixed period of 7 days as this is her first failure.

Six months later Carol fails to attend an appointment she has been mandated to on a Tuesday. She contacts the provider on the Thursday, the provider is unable to see Carol until the following Monday and makes a new appointment which Carol attends. The provider raised a compliance doubt and the UCDM determines that she failed without good reason to meet the requirement and so imposes an open ended sanction of 2 days and a fixed period of 14 days as Carol has had a previous low level sanction in the last 365 days.

**Please note:** Where 2 low level failures occur within 14 days of each other the fixed period of the sanction will not escalate.

**Compliance condition**

3.39 The compliance condition is the action the participant needs to take to stop the open ended element of a low level sanction continuing.

3.40 You must inform the participant of the compliance condition at the same time you inform them of their mandatory requirement, and insert this into the MAN. This way if a participant fails undertake the original requirement (mandated activity), they are aware of what action they need to take to re-comply.

3.41 By issuing the compliance condition at the same time as the original requirement the UCDM is able to stop the open ended element of the sanction as soon as they are notified that the participant has complied.

3.42 The participant should have the opportunity to be able to comply immediately. Therefore, you must inform the participant of the compliance condition at the same time as issuing the mandatory requirement, and record it on the MAN.

## Developing the recommended compliance condition

- Following consultation on the types of mandation activity used, DWP concluded that these fell within four generic groupings and ministerial approval was obtained to adopt this approach. You should ensure that when considering mandation, the event or activity falls into one of the pre-approved conditions. The approved compliance conditions can be found at paragraph 3.34.
- **Example 1:** You mandate Gary to attend a CV writing appointment on the 15th January. You include in the MAN the compliance condition that you consider appropriate e.g. if he does not attend the mandatory activity on the 15th January, he must agree to undertake this activity at an agreed future date.
- **Example 2:** You mandate Sue to attend a one day training course on 15th January. As the course will not run again for another 6 months, the MAN should specify a compliance condition that can be achieved as soon as possible. It would be unreasonable to set the compliance condition as attending the next available course as she will be unable to re-comply quickly and will be unfairly penalised for an open ended period.

**Please note:** It is important to be careful if you use a specific date. Using a specific date as part of a compliance condition could mean that the participant could not comply quickly and therefore their open ended sanction could continue to build i.e. a date is too far into the future.

## Mandating participants to undertake activity that attracts a higher level sanction

- 3.43 As part of your contract with DWP, you, your employees and sub-contractors have been delegated authority which enables you to mandate claimants to apply for and take up employment opportunities and refer participants for higher level sanctions (91, 182 and 1095 day sanctions) should they fail to apply or take up that employment opportunity. If they do not comply, they could be subject to a higher level sanction. To correctly mandate a participant in the Intensive Work Search regime to apply for a specific job vacancy, you must ensure certain policy, procedural and legal regulations are adhered to.
- 3.44 You will need to complete a Mandatory Employment Notification (MEN) on every occasion you want to mandate a participant to apply for a suitable job vacancy that you or the participant has sourced.
- 3.45 You will need to inform the participant that if they fail to complete the mandated activity without good reason, they will be subject to a sanction; comprising of a fixed period.
- 3.46 In all cases, participants must be clearly informed of what is expected of them and when (or by when) they have to do it. You will need to include all relevant details on the MEN.

**Please note:**

- Do not notify a participant to apply for multiple vacancies on one MEN; you must issue a separate MEN for each vacancy.
- If the mandated activity relates to a job, which is not a vacancy for paid work, failure to take part will incur a low level sanction. For further information, see section '[Mandating participants to an activity or appointment that attracts a low level sanction](#)'.

3.47 The following steps must be taken on every occasion you want to mandate a participant to apply for, attend an interview for or take up paid employment:

- Consider the suitability of the vacancy ([Annex C](#));
- Ensure the vacancy does not conflict with any agreed participant availability or employment restrictions;
- Ensure the activity the participant is required to do is reasonable taking into account their circumstances;
- Consider if the vacancy is within 90 minutes travelling time, in each direction, to and from the participant's home and work;
- Ensure there is enough time for the participant to apply/attend;
- Ensure you provide the participant with an adequate opportunity to make representations as to the suitability of the employment they are required to apply for or take up before they are mandated to do so and give proper consideration to those representations. You must ensure any representations are recorded and the reasons why the participant is nonetheless required to apply for or take up employment are explained;
- Ensure that the participant fully understands:
  - the sanctions consequences of failing to apply for or take up the notified employment; and
  - The specific action that they are required to undertake e.g. attending an interview, make an application by submitting their CV or complete an online application etc.

**Please note:** A compliance condition is not required in respect of failures incurring a higher level sanctions. [Annex B](#) provides information on completing the MEN. Further information on Work Search and Availability can be found in [Chapter 8- Work Search and Work Availability Doubt](#).

**Consequence:**

The UCDM will make a decision based on an assumption that the MEN was completed correctly. If you fail to mandate correctly the legal framework would not allow the UCDM to impose any sanction.

**Higher level sanction detail**

3.48 Higher level sanctions will be imposed where a participant fails without good reason to:

- apply for a specific vacancy for paid work; or

- take up an offer of paid work

3.49 The higher level sanction periods will usually be the following fixed periods set out below:

- 91 days for a first failure;
- 182 days for a second failure committed within 365 days of the previous failure; and
- 1095 days (3 years) for a third or subsequent failure committed within 365 days of a previous failure that resulted in a 182 or 1095 day sanction.

**Please note:** Where 2 higher level failures occur within 14 days of each other the fixed period of the sanction will not escalate

### **Participants' circumstances**

3.50 When deciding whether activity is reasonable in a participant's circumstances you need to consider, for example:

- The participant's capability and how this affects the nature of their participation. Further information, can be found in [Chapter 2 – Work Programme Claimant Groups](#);
- If they are considered vulnerable. Further information can be found in [Chapter 4B – Safeguarding and Vulnerability](#);
- The participant's personal circumstances such as any health condition they may have, their ability to use transportation, their skills/education, any childcare responsibilities, (e.g. travel; childcare) the participant may have etc. These examples are not exhaustive.
- Any availability and employment restrictions notified by Jobcentre Plus.

### **Claimant groups and mandation**

3.51 Information regarding which claimant groups can and cannot be mandated to undertake activities can be found in Chapter 2 – Work Programme Claimant Groups.

3.52 It is also important that you are aware of changes in the participant's circumstances, especially if the change affects whether they can be mandated to an activity. For example: if a participant in the Intensive Work Search regime enters the Light Touch regime or the No Work-Related Requirements regime, because of earnings, they can no longer be mandated but will remain a Work Programme participant on a voluntary basis. Further information on claimant groups can be found in [Chapter 5 - Change of Circumstances and Notifications](#).

### **Timing of issuing the MAN/MEN**

3.53 Ensure that the timeframe between issuing the MAN/MEN and the taking part in the activity is reasonable. Any compliance doubt referrals where the UCDM considers the participant has not been given reasonable notice may result in the compliance doubt referral being allowed.



3.54 If the MAN or MEN is posted to the participant's home address, it is taken to have been received on the second working day after posting (not including Saturday, Sunday or bank holidays).

3.55 **For example:** If an activity was due to start on the Tuesday at 9am, it would be advisable to send the MAN/MEN on the preceding Tuesday. It could then be assumed to have been received in good time. It would be unlikely that the participant could provide good reason for non-participation due to not receiving the MAN/MEN in good time.

### **Method of sending the MAN/MEN**

3.56 The MAN/MEN must always be either handed directly to the participant or posted to them. If it is posted it is deemed to have been received on the second working day after posting (see above).

3.57 You **must not** use electronic methods, such as text or email, to send the MAN/MEN to participants. However, it is acceptable to communicate electronically with participants to remind them of mandatory (or non-mandatory) appointments and activities.

### **Additional information on the MAN/MEN**

3.58 In addition, it may be of benefit to include other useful information that may minimise the risk of non-participation, such as:

- Supplying a map and/or directions to the mandated activity; and
- Encouraging participants to inform you of any circumstances that could affect their participation at the activity.

**Please note:** It is worth considering contacting Jobcentre Plus if you are having difficulty contacting a participant to check their contact details. This will be subject to local agreements being made.

### **Review of a participants mandated activity**

3.59 Prior to a mandatory activity, participants may request a review of any activity they have been mandated to undertake. Where they do so you must look again at the activity and take into account why the participant does not feel the activity is appropriate, you should reconsider if the activity remains reasonable and appropriate in the participant's circumstances.

3.60 Requests for a review should be considered as soon as possible with your decision being notified to the participant in writing. There is no specific form/template for this process.

### Re-arranging a mandatory activity

- 3.61 If prior to a participant undertaking a mandated activity, they contact you because they are unable to undertake the activity, you may choose to re-arrange the activity and not follow the compliance doubt process.
- 3.62 Re-arranging an activity does not contravene the good reason process undertaken by the UCDM. This is because **until** the mandated activity date has occurred, no failure to participate has occurred.
- 3.63 However, not taking compliance doubt action and allowing a participant to arrange an alternative appointment on a number of occasions weakens the link between cause and consequence.
- 3.64 It is important to consider before agreeing to rearrange an activity whether or not this is the first time this has happened, and whether or not a pattern appears to be emerging. You may wish to challenge the participant, for example, asking if they have proof to support the reason they have given for needing to re-arrange. If you do not re-arrange the activity date and the participant subsequently does not take part, you will need to raise a compliance doubt. You should include details of previous instances when the same or similar reasons have been used to avoid undertaking a mandatory activity.
- 3.65 **For example:** 2 days prior to the mandated activity, the participant telephones you and explains that following a routine doctor's visit, an urgent hospital appointment has been arranged for the morning of the activity. They explain the appointment may overlap with your activity. You could then decide to re-arrange the activity.
- 3.66 However, if you have any doubt when the participant asks to re-arrange, you would inform them that they need to attend and that if they do not attend, a compliance doubt must be raised.

## **Annex A – Completing the Mandatory Activity Notification (MAN)**

A.01 You must complete a MAN on every occasion you want to mandate a participant to an activity or appointment.

A.02 The following steps must be taken on every occasion you want to mandate a participant to do something that attracts a low level sanction.

### **Actions**

A.03 For all MANs:

- Ensure you have considered that the activity is reasonable in the participant's circumstances when setting the mandatory requirement.
- Ensure that the participant fully understands what they being required to do;
- Ensure the participant understands the consequences of failing to participate in a mandated activity;
- Notify the participant in writing on the relevant MAN;
- You must use the relevant standard MAN template in this Annex and the MAN must not be altered materially;
- On the MAN, you must record;
  - The specific action that the participant is required to undertake
  - When or by when they must undertake it
  - What evidence, if any, the participant must supply to demonstrate completion
  - The relevant pre-approved compliance condition

A.04 When mandating participants to undertake activity you must ensure you clearly detail what the compliance condition is on the MAN letter:

- Ensure that the participant understands the compliance condition and the action they are required to take to end the open ended sanction if they do not undertake the original mandatory requirement.
- Ensure the participant understands what evidence they will be required to provide to demonstrate completion of the mandatory requirement. This should be agreed with the participant and be as specific to the activity as possible.
- Ensure that the participant's time is focused and they fully understand what they are being asked to do. For example: If the participant is mandated to go to a catering jobs fair – the specific activities could be to obtain relevant literature from at least 5 stands, hand their CV to them and obtain follow up contact details.

**Please Note:** You must retain copies of the MANs or have a mechanism to create a copy and are obligated to provide DWP with a copy promptly on request. You may also choose for the participant to sign for any mandation correspondence issued to them. If a claimant refuses to sign you should note this and reference in any subsequent failure to participate referral.

- The MAN must be either handed direct to the participant or sent by post to the participant's home address. Where a customer is of no fixed abode a correspondence address could be used. You may also choose to use registered post to ensure delivery.
- Record the above information (i.e. from the MAN) along with all other on-going mandatory requirements into a single action planning document.
- Always take follow up action if the participant does not meet the requirement set by you in the MAN by undertaking the compliance doubt process.

## **UC MAN forms**

[UC MAN 1 form](#)

[UC MAN 1 form \(Welsh\)](#)

## Annex B – Completing the Mandatory Employment Notification (MEN)

A.01 For Higher Level sanctions, you must notify the participant in writing on a MEN and include:

- The specific action that the participant is required to undertake e.g. attending an interview, make an application by submitting their CV or complete an online application etc.
- When or by when the participant must undertake it.

### Actions

A.02 For all MENs:

- Ensure you have considered the activity the participant is required to do is reasonable taking into account their circumstances;
- Ensure that the participant fully understands what they are being required to do;
- Explain the potential consequences should the participant fail to comply;
- Clearly explain the evidence requirement to the participant. This will enable them to demonstrate they have complied with the MEN;
- Ensure the MEN is either handed direct to the participant or sent by post to the participant's home address. Where a customer is of no fixed abode a correspondence address could be used. You may also choose to use registered post to ensure delivery;
- Record the above information (the MEN) along with all other on-going mandatory requirements in a single action planning document; and
- Always take follow up action if the participant does not meet the requirement set by you in the MEN by undertaking the compliance doubt process.

**Please Note:** If you are mandating a participant to apply for a job vacancy, you do not need to provide a compliance condition as they apply only to low level sanctions. You must retain copies of the MENs or have a mechanism to create a copy and are obligated to provide DWP with a copy promptly on request. You may also choose for the participant to sign for any mandation correspondence issued to them. If a claimant refuses to sign you should note this and reference in any subsequent failure to participate referral.

### UC MEN Forms

[UC MEN 1 form](#)

[UC MEN 1 form \(Welsh\)](#)

## **Annex C: Establishing appropriate employment opportunities for activity that attracts a higher level sanction**

- A.01 As part of the participant's referral information you will receive details of the types of employment the participant has stated they are looking for. Through your delivery and discussions with the participant you should also build up a picture of what types of employment will be suitable for them.
- A.02 When establishing if employment is appropriate and suitable you should manage participants' expectations of available employment opportunities and wherever possible any mandated employment must be appropriate to the participant's desired employment sector and/or occupation type, and local labour market.
- A.03 You should keep records of discussions with participants regarding their desired employment sector and/or occupation type. This will assist future discussion with the participant and will also allow you to provide this information should the participant subsequently fail/ refuse to apply for or take up employment and state the 'type' of work they were mandated to undertake does not match their desired employment sector and/or occupation type.
- A.04 It is important that you ensure that any vacancy for which you are going to mandate participants to apply for and take up is weighted to the specific participant and their personal circumstances and any limitations or restrictions are identified.

### **Participant availability and employment restrictions**

- A.05 Any job for which a participant is notified to apply for or take up must fit within a participant's agreed pattern of availability and any agreed employment restrictions must be taken into account when considering whether it is appropriate to mandate a participant to a particular vacancy.
- A.06 Jobcentre Plus will notify you of any participant availability and or employment restrictions; this includes claimants who have a permitted period agreed with their JCP Work Coach.
- A.07 You must not mandate a participant to apply for or take up employment where the participant has agreed (with their JCP Work Coach) employment restrictions. Employment restrictions may include:
- Particular religious or conscientious beliefs impacting on the type of work the participant can carry out;
  - Or**
  - Where a participant has a medical condition that limits the type of work they are able to undertake (Universal Credit will have notified you if there is such a restriction)
- A.08 Therefore, if the vacancy does not meet the participant's availability or employment restrictions and the participant does not wish to apply for or pursue the vacancy you must not mandate them to do so.

**Please Note:**

- A.09 If a participant states they will not apply for or take up a vacancy due to availability or employment restrictions for which Jobcentre Plus have not notified you, you must contact your jobcentre Single Point of Contact (SPoC) to confirm any restrictions and clarify whether the vacancy remains appropriate.
- A.10 You must also ensure that you do not mandate participants to specific types/areas of work that a participant is not allowed to carry out (e.g. due to a court judgement the participant is not permitted to work in certain locations or undertake certain types of work).
- A.11 Where Jobcentre Plus are aware that such restrictions apply they will highlight this to you. The specific nature of the restriction will not be detailed as this information will be sensitive, therefore where you are notified that employment restrictions apply you must contact your Jobcentre Plus single point of contact (SPoC) for further information in relation to the restriction.
- A.12 Further information can be found in [Chapter 8 - Work Search and Work Availability Doubts](#).

**Working time regulations**

- A.13 When establishing suitability and where information is available you must also ensure that employment opportunities for which you are mandating participants to apply for and take up abide by the Working Time Regulations 1998.
- A.14 The Working Time Regulations 1998 provide that a worker's working time, including overtime, shall not exceed an average of 48 hours for each seven days (the average being calculated over a 17 week period) except where a worker has agreed with his employer in writing that this limit should not apply in his case.

**Expenses**

- A.15 When establishing suitability you should also consider any child care expenses which:
- would be necessarily incurred as a result of the participant being in the employment
  - would represent an unreasonably high proportion of the remuneration which it is reasonable to expect that the participant would receive from the employment.
- A.16 You are responsible for funding the participant's travel costs to attend job interviews for which you are mandating them to attend and/or any interviews secured as a result of being mandated to apply for a vacancy.
- A.17 You are required to keep auditable records of travel cost payments with evidence of the expense incurred by participants. You must also ensure that you do not place undue financial hardship on participants, for example do not leave participants to fund travel to multiple interviews and reimburse them at the end of the week.

### **Employment expense considerations**

A.18 Where information is available you should consider if expenses that would be unavoidably incurred (for example childcare and travelling expenses) would amount to an unreasonably high proportion of the income the participant would receive if an application was successful.

A.19 There are no rules for deciding whether expenses would be an unreasonably high proportion of pay. Each case must be considered on its own facts.

A.20 When establishing suitability you should consider whether the level of pay is suitable for the participant and does not place the participant or the participant's family unit at risk of hardship. You should consider the travelling costs and length of travel to and from the vacancy and whether they would be so high as to extinguish the level of pay. Where information is available you may wish to consider any expenses which:

- participants have to meet only for the purpose of the employment
- would be an unreasonably high proportion of the expected pay from the employment.

A.21 Other expenses you may wish to consider include:

- the cost of tools or equipment which the participant has to provide
- the cost of essential protective clothing, not provided by the employer
- the cost of a criminal record check (known as a disclosure).

### **National Minimum Wage**

A.22 You must also ensure that employment for which you are mandating participants to apply for is legal and pays at least the National Minimum Wage that applies to the participant.

### **Travel**

A.23 You must not mandate participants to apply for or take up paid work in any location which would normally take the participant more than 90 minutes each way to travel to or from their home and work.

### **Allowing participants time to apply/attend**

A.24 You should allow a maximum period of four weeks for the participant to apply. In setting this date, you should use your discretion and take into account:

- Whether the vacancy has an actual closing date of fewer than four weeks (in which case, then use the earliest date.)
- The complexity of the application process (if known);
- The steps you are already requiring the participant to undertake which, where undertaken, may make it difficult for the participant to apply in time;
- The individual circumstances of the participant.



A.25 A typical participant with no health issues or caring responsibilities will be required to be immediately available for paid work, either to attend an interview or to start work. Immediately is given its natural meaning. However in certain circumstances participants may be given longer. Further information can be found in [Chapter 8 - Work Search and Work Availability Doubts](#).

A.26 In all cases participants must be clearly informed of what is expected of them and when (or by when) they have to do it on a Mandatory Employment Notification (MEN). The MEN that must be used when mandating a participant can be found in [Annex B](#).

### **Work Trials**

A.27 It is fundamental to the concept of Work Trials that they offer the participant the opportunity to test the suitability of a job, as well as for the employer to test the suitability of the participant.

A.28 If the participant does not wish to apply for or pursue a Work Trial vacancy you must not mandate them to do so.

### **Zero hours contract**

A.29 Participants cannot be mandated to apply for vacancies which include a zero hours contract. Therefore, if a participant does not wish to apply for or pursue a zero hours contract vacancy you must not mandate them to do so. You must not make a compliance doubt referral if it becomes apparent at any stage of the application that the vacancy is zero hours.

### **Employee Shareholder contracts**

A.30 Employee Shareholder Contract jobs are entirely voluntary. Therefore, if the participant does not wish to apply for or pursue such a vacancy you must not mandate them to do so.

A.31 It may not be obvious from the details available whether the vacancy is actually an Employee Shareholder job or not. It will be dependent on the employer stating this when they advertise the vacancy, so may only become apparent during the interview stage, or when the individual and employer are discussing the terms and conditions of the job. If it becomes apparent at any stage of the application that the vacancy is an Employee Shareholder job and the participant no longer wishes to pursue the vacancy, you must not make a compliance doubt referral.

### **Apprenticeships**

A.32 Participants must not be mandated to apply for a government-funded apprenticeship vacancy where that vacancy has been advertised by the National Apprenticeship Service in England, by Careers Wales in Wales or is a Modern Apprenticeship in Scotland. Therefore, if the participant does not wish to apply for or pursue such a vacancy you must not mandate them to do so, and must not make a compliance doubt referral if it becomes apparent at any stage of the application that the vacancy is as detailed above.

A.33 Participants can still be mandated to apply for other non-government funded apprenticeship vacancies which are not advertised by the above named organisations and a compliance doubt DMA referral made if the participant fails to apply.

### **Self-employed work**

A.34 For the purposes of higher level sanctions and compliance doubts, employment relates to employed earners employment (that is, paid work). It excludes self-employed work. Therefore, if the participant does not wish to apply for or pursue a self-employed vacancy you must not mandate them to do so, and must not make a compliance doubt referral if it becomes apparent at any stage of the application that the vacancy is self-employed work.

### **Trade disputes**

A.35 A participant cannot be sanctioned if they refuse a job that is vacant because of a stoppage of work due to a Trade Dispute. Therefore, if the participant does not wish to apply for or pursue a job that is vacant because of a stoppage of work due to a Trade Dispute you must not mandate them to do so, and must not make a compliance doubt referral if it becomes apparent at any stage of the application that the job is vacant because of a stoppage of work due to a Trade Dispute.

### **Mandating participants to apply for job in Find a job**

A.36 Before you consider mandating a participant to apply for a job in Find a job, you must ask the participant if they have created a profile and public CV in Find a job.

### **Participant has not created a profile and public CV in Find a job**

A.37 Where the participant states they have not created a profile and public CV in Find a job, you must not mandate participants to apply for jobs in Find a job where the method of application is to select a CV in Find a job and send it on line through the service. You cannot mandate participants to create a profile and public CV in Find a job if they haven't done so already.

A.38 However, you can mandate participants to apply for jobs in Find a job where the method of application is by other means, for example by post, telephone, email or via the company's website. This is because the participant will not need to use Find a job in order to apply. In these cases you will populate the MEN with the relevant information from the 'Job Details' page so the participant knows what is required and how to apply for the job.

**Please Note:** Only non-Find a job methods of application should be included in the information provided to the participant.

### **Participant has created a profile and public CV in Find a job**

A.39 Where a participant states they have created a profile and public CV in Find a job, before requiring them to apply for a job in Find a job you must ensure you have an available internet enabled device on which Find a job cookies have been accepted for the participant to use and ensure the participant is aware of this.

A.40 It is not possible to give definitive guidance on how you should set up your internet enabled devices to accept cookies because this is dependent on the individual machines used by provider, such as different hardware, operating systems and browsers. However, the [‘about cookies’ website](#) includes advice on how to set all recent versions of popular browsers to accept cookies.

A.41 You must inform the participant of the reasons why you are giving them an option to use the alternative device (due to non-essential cookies being placed on their device) and you must issue them with the cookies factsheet which is available in English and Welsh. The factsheets can be found at [‘Find a job’ and other websites- what you need to know about cookies](#) .

A.42 It is vital the cookies factsheet is issued to the participant so they are able to make a fully informed decision about their choices relating to cookies and that you explain that they can use one of your devices should they not wish to accept cookies on their own computer/device from the Find a job website.

**Please Note:** You need only issue the cookies factsheet once (the first occasion you mandate the participant to apply for a job in Find a job) and you must note your records that a cookies factsheet has been issued.

A.43 If you do not have any available internet enabled devices, on which cookies have been accepted for the participant to use, you cannot mandate the participant to apply for a job in Find a job where the method of application is to select a CV in Find a job and send it on line through the service. However, you will be able to take the action described.

A.44 If a participant is not given this choice, they may choose not to comply with the requirement to use Find a job on grounds that cookies would be unlawfully placed on their device and may also complain to the Information Commissioner that the Find a job website has placed cookies on their device without their freely given consent.

### **Following up mandated employment and evidence of compliance**

A.45 Where you have mandated participant to apply for or take up an employment opportunity you must ensure you follow-up on the mandation.

A.46 When following-up mandation it may not be necessary to contact the employer to obtain feedback, for example, where you require a participant to apply for a vacancy by submitting an online application and alternative evidence is available e.g. screenshots of application sent, e-mail confirmation or visible online evidence etc.

A.47 The method, by which you request a participant to evidence compliance, should be stated on the MEN.

**Please Note:**

- The participant may supply alternative evidence of compliance and it is the participant's decision on what evidence they supply. If you do not think the participant has provided sufficient evidence of compliance you should raise a doubt with the UC Decision Maker.
- Where you will be following up employment by contacting the employer, as part of your delivery DWP has arranged for a designation order that provides express legal authority to request information from an employer about a participant's job application or interview performance in relation to employment opportunities that you have mandated the participant to.
- Where alternative evidence is not provided you may wish to contact the employer so they can confirm whether a participant undertook the action you required of them (applied for a job, attended an interview, started work etc.).

**Participant behaviour**

A.48 Participants may behave in such a way that they lose the chance of employment. In such cases, a compliance doubt referral can be made even though the participant applied for the job. For example, if the participant:

- Arrives late for an interview or goes to the wrong place through their own negligence;
- Imposes unreasonable conditions on acceptance of the job so that the employer withdraws the offer;
- Behaves in such a manner at an interview that the employer decides not to offer them the job; or
- Refuses to give references or allow references to be taken up.

A.49 If a prospective employer makes it known that such conduct has occurred, the participant's behaviour may amount to refusal or failure to apply. If it is identified that a participant has avoided the chance of a job, you must make a compliance doubt referral. Further information regarding the compliance doubt process can be found in [Chapter 6 – Raising a Compliance Doubt](#). It should be made clear to participants that whilst any failure will be referred to DWP by yourselves it will be a DWP Universal Credit decision maker who makes the decision based on all the facts and evidence.

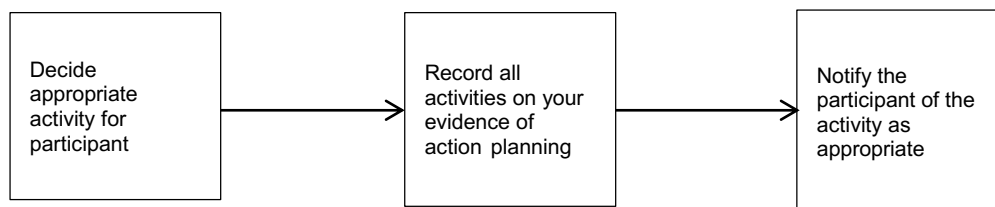
## Chapter 3B: Work Programme Action Planning

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

3.01 This chapter covers:

- [High Level Must Dos](#)
- [Action Planning](#)
- [Claimant Commitment](#)
- [Detailed background and further information](#)

### High Level Must Dos



### Action Planning

3.02 You have the freedom to develop your own processes to support participants, plan activity and manage their experience whilst on the Work Programme in line with your delivery model and contract terms and conditions.

3.03 Your evidence of action planning must comply with your minimum service standards, the content of your successful bid and other requirements set out in your contract.

### Claimant Commitment

3.04 All Universal Credit (UC) claimants are required to accept a Claimant Commitment (CC) as a condition of entitlement. It documents what the claimant must do to receive UC and support, as well as setting out what happens if they fail to comply with conditionality requirements.

3.05 Jobcentre Plus are responsible for administering the CC. Providers are responsible for developing and maintaining an action plan with participants following the 'black box' approach principles in order to help them find sustainable employment, more employment or better paid employment.

3.06 Providers will not receive a copy of the CC from Jobcentre Plus, but the participant may wish to voluntarily share this with you.

3.07 Sharing of the CC is encouraged to help you identify the best support possible to help the participant move into employment. If the participant grants you access to their CC, it will provide you with

- A useful starting point to help you understand the level and type of activities a participant has committed to undertake
- Information that you can use for comparison purposes following your own assessment of the participant's capability
- Information to make you aware of the work related requirements placed on the participant in order for them to receive UC and the consequences if they do not comply with these requirements
- Any adjustments that may have been made for the participant, so you may consider these when agreeing activities on the Work Programme.

3.08 If the participant declines to share their CC, you should not take action to pursue this further.

### **Actions**

3.09 All mandatory activities must be recorded in your evidence of action planning and you must make it clear to the participant where activities are mandatory;

- the participant must fully understand what they are being asked to do, why they are being asked to do it, when it must be completed by and the consequences of non-compliance;
- all 'live' mandatory requirements must be held in a single document. This should include a clear explanation of what the activity is, when it occurs, when it must be completed by, and what evidence is required to demonstrate completion of the activity;
- if the claimant fails to undertake the activity, they need to fully understand what they need to do in order to comply (low level sanctions only);
- the evidence of action planning must be completed, dated and held for all participants in line with requirements. This information must be available to the participant at their request.

3.10 In addition, you must:

- ensure all relevant information is included in your evidence of action planning in compliance with your contract and minimum service delivery standards, including obtaining participant signatures (only where this is stipulated in your bid)
- retain your evidence of action planning securely to support compliance checks by European Social Fund (ESF) Compliance Monitoring Officers (CMO) and ESF audit activity
- comply with other details and processes as specified in your contract/minimum standards.

**Consequence:**

Failure to adhere to your contractual requirements on action planning will result in you not meeting the audit requirements of the European Social Fund (ESF) and can potentially lead to the recovery of funds.

**Detailed background and further information**

**Claimant Commitment**

- 3.11 The CC is an agreement between Jobcentre Plus and the claimant (participant). For those claiming UC, it replaces both the Jobseeker's Agreement and Action Plan.
- 3.12 The expectations and requirements that Jobcentre Plus place on the claimant should be reasonable to take account of their personal circumstances and capabilities.

**Please note:** You will receive a UCPR1 form in the post from Jobcentre Plus for each individual referred to the Work Programme. The UCPR1 contains action plan details that are not automatically shared electronically when the referral is made by the Jobcentre Plus Work Coach.

**Participants in the Intensive Work Search regime**

- 3.13 Participants in the UC Intensive Work Search regime are generally expected to carry out full-time (a minimum of 35 hours a week) work-related activity (work search and preparation).
- 3.14 Jobcentre Plus Work Coaches have the discretion to tailor these requirements based on the individual and depending on any caring responsibilities or any health condition the participant may have. The CC will set out any agreed restrictions on work search/availability requirements there may be on the participant. Participants who have carer responsibilities for a child under 13 will have their work search/availability restricted to their child's normal school hours including allowing for the travel time to and from the school. You should be aware of any restrictions there may be on participant's work search/availability.
- 3.15 Further information can be found in [Chapter 5 – Change of Circumstances and Notifications](#).
- 3.16 The CC is reviewed and updated by Jobcentre Plus on a regular basis. For claimants in the Intensive Work Search regime, Jobcentre Plus Assistant Work Coaches conduct regular work search reviews - these are normally fortnightly but there is discretion over this. Jobcentre Plus may apply sanctions if the claimant fails to meet their part of the agreement.

- 3.17 At the referral entry point for the Work Programme, the CC will be updated by Jobcentre Plus to reflect the individual's participation on the Work Programme. The participant will be made aware of any requirements they have to meet while participating. Once referred, the provider will determine the requirements that a participant must undertake.
- 3.18 Providers should support participants to take all reasonable steps that will help them move into work. We do not want participants to undertake activities which will be of no benefit to them, for example applying for jobs for which they are unsuitable.

### **Other Claimant Groups**

- 3.19 Expectations on other Work Programme claimant groups will vary. Some participants may not be required to work search or be available for work, but may have to undertake work preparation activity and participate in work-focused interviews and others will not be subject to mandatory requirements at all. Further information can be found in [Chapter 2 - Work Programme Claimant Groups](#).
- 3.20 Providers must ensure the participant is clear on what they have to do each week to comply with the requirements of the labour market regime they are in. This is best achieved by working with the participant to develop a detailed action plan.

### **Action Planning**

- 3.21 Providers have the freedom to set requirements as they consider appropriate, whilst recognising the labour market regime the participant is in. You have the freedom to determine what specific activities each participant will undertake to help them move into sustainable employment, find more employment or better paid employment.
- 3.22 Evidence of the steps that the participant takes to prepare for a return to work must be securely maintained for audit, payment and validation purposes.
- 3.23 Providers are responsible for monitoring each participant's progress towards finding sustainable employment, more employment or better paid employment against the activities set out in their action planning document.
- 3.24 Jobcentre Plus will not monitor compliance with requirements set by providers, but will check that participants have been carrying out any actions that have been agreed as part of their CC, as well as whether there have been any changes in their circumstances.



## Compliance Checks

3.25 The ESF Compliance Monitoring Officer (CMO) will review evidence of your action planning and processes at regular intervals against what you agreed to deliver in your contract. For example, if your minimum service standards state that your action planning will include specific criteria, such as agreed actions, target completion dates, frequency of reviews and participant signatures etc., the CMO will check that these steps have been followed to be assured of compliance with your contractual requirements.

## Audit Activity

3.26 The ESF Audit Authority will undertake annual checks on a sample of provider contracts to inspect that delivery complies with the requirements of your contract. They will check evidence to verify the eligibility of payments made in respect of a sample of individual participants. This will include your action planning as evidence to support engagement activity and to meet ESF audit requirements. Further information regarding ESF can be found in the [Generic Provider Guidance Chapter 11 – ESF requirements](#).

## Exit Reports

3.27 You are required to complete and return Exit Reports for each participant in receipt of UC who completes their time on Work Programme and is due to return to Jobcentre Plus. You should consider the level of information that Jobcentre Plus will need when developing your systems for action planning, as much of this information will be required to support completion of the Exit Reports. Further information can be found in [Chapter 10 – Completing the Work Programme](#).

## Complaints Process

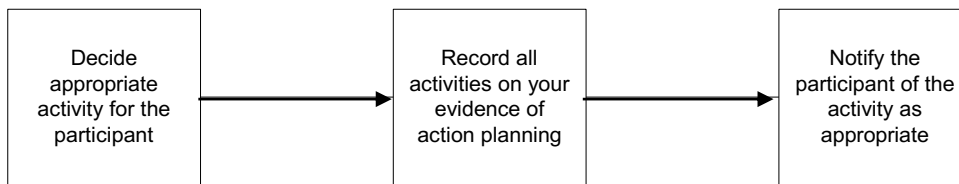
3.28 Evidence of your action planning may also be needed where a participant is unhappy about the service they receive from you. It may be necessary to provide this evidence to support your complaints process or if the complaint cannot be resolved, the evidence may be needed by the Independent Case Examiner (ICE) to help bring the participant's complaint to a satisfactory conclusion

## Chapter 3C: Work Experience on a Voluntary Basis and Community Benefit Work Placement

3.01 This chapter covers:

- [High Level Must Dos](#)
- [Work experience on a voluntary basis referral](#)
- [Community benefit work placement referral](#)
- [Detailed background and further information](#)
- [Annex 1 – Work experience on a voluntary basis letter](#)

### High Level Must Dos



### Work experience on a voluntary basis referral

3.02 You can decide, as appropriate, to arrange work experience on a voluntary basis for Work Programme participants in receipt of Universal Credit (UC).

3.03 Work experience on a voluntary basis does not incur potential sanction action if they fail to take part at all or in part.

3.04 However, participants should be reminded of the expectation to maintain basic standards of good behaviour whilst with the host employer.

### Actions

- Identify suitable participant. Further information on how to identify a participant can be found in [paragraph 3.11](#) onwards.
- Explain the benefits of work experience on a voluntary basis.
- Issue voluntary work experience letter as appropriate.

### Community Benefit work placement referral

3.05 You can decide as appropriate to mandate suitable UC participants in the Intensive Work Search (IWS) and Work Preparation (WP) regimes. Further detail about voluntary claimants can be found in UC Work Programme provider guidance [Chapter 2 – Work Programme Claimant Groups](#).

### Action

- Identify a suitable participant.
- Ensure the work placement benefits the claimant by supporting them to achieve paid work, more paid work or better work.
- Ensure the work placement is of community benefit.

- Take action to mandate a suitable participant. Further information can be found in UC Work Programme provider guidance [Chapter 3A – Work Programme Mandation](#).

## **Detailed background and further information**

### **What is work experience on a voluntary basis?**

- 3.06 Work experience on a voluntary basis can be an extremely valuable way for participants to gain or update experience of the workplace. Each placement will be tailored to the participant's personal circumstances, including any health condition or disability to ensure the work experience is appropriate. Generally it will be over a short period, with restricted hours in recognition of the participant's individual capability and circumstances.
- 3.07 Work experience on a voluntary basis is unpaid, should not displace or be a replacement for paid employment and should primarily be aimed at improving the participant's employability.
- 3.08 Participation is voluntary for UC participants – they can decide not to take up a placement, or to leave a placement, without sanction consequences.
- 3.09 There is not a specified minimum or maximum duration for work experience. Therefore, it is for you decide with the agreement of the employer what the suitable length of the work experience on a voluntary basis should be to meet the needs and circumstances of the participant.

### **Benefits of work experience on a voluntary basis**

- 3.10 There are a number of benefits to work experience on a voluntary basis that you may wish to discuss with participants, to enable them to make an informed decision about whether to participate. These could include:
- improve their job prospects
  - see the skills and behaviours employers want from people
  - see how the skills they have can be adapted to the workplace
  - gain real life work experience
  - build their confidence
  - add to their CV, including a work related reference/referee
  - enabling the movement of the participant into sustained work
  - engaging them in employment that matches their job goals
  - providing prospective employers with evidence that they have the necessary skills and abilities to do the job.

### **Identifying suitable participants**

- 3.11 Work experience on a voluntary basis is available to any suitable UC participants subject to their personal circumstances and capability.

3.12 Participants should be motivated and demonstrate a willingness to work. Possible participant qualities that you may also want to take into account include:

- no significant issues relating to numeracy, literacy or general employability skills
- be interested in a role in the type of work
- having the aptitude/suitability for the role or type of work.

Therefore, it is for you to decide in conjunction with the participant if work experience on a voluntary basis is suitable.

3.13 Before arranging work experience on a voluntary basis, you should check whether the participant has any agreed restrictions on the type of work, hours or times of work that they can do. The placement will need to be flexible to reflect individual's circumstances including any health condition or disability.

### **Arranging work experience**

3.14 When arranging potential work experience on a voluntary basis, you may need to manage employers' expectations. This could include explaining the participant's circumstances, including any health condition or disability and any reasonable adjustments required. Also, participants may be motivated but may have little or no previous experience. This may result in some restrictions on the work experience on a voluntary basis sought and offered, which may need explaining to employers. It would be beneficial if employers commit to supporting motivated individuals with low skills and little or no work experience.

3.15 Host employers should understand that the placement is voluntary and the participant may stop at any time without sanctionable consequences.

3.16 There is no restriction on the size or type of business that could be used for work experience on a voluntary basis, as the quality of the work experience on a voluntary basis is most important. If an employer operates a shift system, you can discuss this with the participant as it may form part of an appropriate work experience on a voluntary basis.

3.17 No action is required where a participant is currently undertaking work experience on a voluntary basis.

**Please Note:** Where a participant is already participating in work experience or arranges their own work experience, and this is noted on their action plan, you remain responsible for safeguarding the participant. Where a participant has arranged their own work experience and it is not part of their action plan, you should make it clear that you are unable to safeguard them in this way. Further information on safeguarding can be found in Work programme provider guidance [Chapter 4B – Safeguarding and Vulnerability](#).

## **Work experience on a voluntary basis with a community benefit host employer**

3.18 Work experience on a voluntary basis can be undertaken at a host employer that also offers mandatory work placements of a community benefit.

### **Offering work experience on a voluntary basis**

3.19 Should you offer work experience on a voluntary basis, you will need to explain to the participant the terms and conditions that will apply to ensure they can make an informed decision about taking part.

3.20 Check that they understand the following:

- that even though they are with an employer they are still participating in the Work Programme and they continue to be subject to the rules and responsibilities that they were when working with you previously, for example, their work related requirements
- the purpose of the work experience on a voluntary basis, what the work will involve and how long it is going to last
- outline the support that you and the work experience on a voluntary basis host employer will offer, and who their named contact will be should they need advice
- the hours they are expected to participate, and that they should participate during those hours only
- arrangements for continuing their jobsearch efforts
- the practical arrangements for getting to and from the employer, including reimbursement of travel expenses
- they should be encouraged to resolve any issues they have with the host employer directly. However, if their issue cannot be resolved, they should be advised to contact you. Further information regarding the complaints process can be found in UC Work Programme provider guidance [Chapter 15 – Participant Complaints](#).
- details of additional support that they may be entitled, for example travel costs and childcare
- you should stress that attendance on work experience is entirely voluntary and that non-participation will have no sanction consequences on their Universal Credit award.
- the employer will expect the same basic standards of good behaviour from participants as they expect from their employees.

### **Referring participant to work experience on a voluntary basis**

3.21 Once the participant has decided to participate in work experience on a voluntary basis, issue them with the letter found in [Annex 1](#) detailing their attendance arrangements.

**Please Note:** The Work Programme is European Social Fund (ESF) funded and you must display the ESF logo on all your customer facing materials (England only). For

further information see [Generic Provider Guidance Chapter 11 - ESF Requirements \(England Only\)](#).

You must also display the Jobcentre Plus logo (communication centre) alongside the ESF logo. It is important that you access the most up to date information on logos whenever you make a change to your notifications.

### **Work experience on a voluntary basis within your organisation**

3.22 Work experience on a voluntary basis may be offered within your own organisation and, as with opportunities delivered through third party organisations, you will be required to demonstrate how any such activity is meaningful and matches the individual's needs, as described in their action plan, and how it contributes to improving the participant's employability.

### **Maintaining basic standards of good behaviour**

3.23 Participants will be expected to maintain a basic standard of behaviour whilst on work experience on a voluntary basis. You should consider how you wish to work with that particular participant, and also take into account the relationship with the host employer.

### **Participant leaves work experience on a voluntary basis early or does not start**

3.24 As the work experience is on a voluntary basis you must not set any mandatory requirement(s) for the participant to attend, or maintain a standard of behaviour. If the participant decides to leave early for any reason or does not start at all, then no action should be taken and you should continue to work with the participant.

### **Work placement (community benefit) referral**

#### **What is a community benefit work placement?**

3.25 A community benefit work placement is unpaid and must clearly benefit the participant by supporting them towards obtaining paid work, more paid work or better paid work. There must also be a clear benefit to the community.

**Please Note:** If a community benefit work placement is within the private sector the community benefit must be over and above the delivery of the business.

3.26 A community benefit work placement can be an extremely valuable way for participants to gain or update experience of the workplace and to re-adjust to it.

3.27 Referral to a work placement is always mandatory for suitable UC claimants in the IWS labour market regime. If a UC claimant is in the WP labour market regime, and it is appropriate for their circumstances, they may be referred to community benefit work placement. Further information regarding voluntary participants can be found in UC Work Programme provider guidance [Chapter 2 – Work Programme Claimant Groups](#).

3.28 Therefore, it is part of the current Work Programme sanctions regime that applies when participant fails to participate in a mandated activity. Further information about sanction periods can be found in UC Work Programme provider guidance [Chapter 3A – Work Programme Mandation](#).

**Please Note:** If a voluntary Work Programme participant wants to undertake a community benefit work placement, they can undertake the activity on a voluntary basis. For further information refer to [work experience on a voluntary basis](#).

3.29 There is not a specified minimum or maximum duration for a work placement. Therefore, it is for you decide with the agreement of the employer what would be a suitable length of the work placement to meet the needs and circumstances of the participant.

### **Benefits of work placements**

3.30 There are a number of benefits to mandatory work placements that you may wish to discuss with participants. These include:

- improve their job prospects
- see the skills and behaviours employers want from people
- see how the skills they have can be adapted to the workplace
- gain real life work experience
- build their confidence
- add to their CV, including a work related reference/referee
- enabling the movement of participants into sustained work
- engaging participants in employment that matches their job goals
- providing prospective employers with evidence that a participant has the necessary skills and abilities to do the job.

### **Identifying suitable participant**

3.31 A work placement is for suitable UC participants in the IWS labour market regime and some participants in the WP labour market regime depending upon their circumstances.

3.32 Possible participant qualities that you may also want to take into account include:

- no significant needs relating to numeracy, literacy or general employability skills
- be interested in a role in the type of work concerned
- having the aptitude/suitability for the role or type of work concerned.

3.33 Before arranging a work placement, you should check whether the participant has any agreed restrictions on the type of work, hours or times of work that they can do. Any placement will need to be suitable for the participant's circumstances.

- 3.34 Consideration should also be given to any health condition or disability and any reasonable adjustments to ensure the suitability of the placement. [Guidance on helping people](#) with mental health conditions to find and stay in employment is available.

### **Arranging community benefit work placement**

- 3.35 Work placements must be supervised, with tasks similar to those that a claimant might experience in a normal working environment and should encourage the development of crucial disciplines associated with sustained employment, while at the same time making a contribution to the community.
- 3.36 A community benefit work placement is unpaid and must clearly benefit the participant by supporting them towards obtaining paid work, more paid work or better paid work. You should be able to clearly describe to DWP the community benefit(s) the placement is delivering. This means the role could include:
- working directly towards the community benefit goal of the host organisation. In this case the duties of the employee would contribute directly towards the benefit to the community. An example of this would be the employee working with the public on a community project
  - working indirectly towards the community benefit goal of the host organisation. In this case, the duties of the participant would contribute indirectly towards the benefit to the community, as the duties of the participant would be contributing towards the work of the organisation which delivers community benefit. An example of this could be the employee working 'behind the scenes' on the organisation of a community project
  - working towards the profit of the host organisation, providing that the majority of the role is dedicated towards delivery of benefit to the community.

- 3.37 Examples of organisation types that come under this definition include:

- Local Authorities and Councils
- Government Departments and Agencies
- Charities and third sector organisations
- Social Enterprises
- Environmental Agencies.

**Please note:** this list is not exhaustive.

### **Deciding whether work placement is of community benefit**

- 3.38 It may be useful to use the following questions when considering whether a placement demonstrates community benefit:
- what will the placement deliver? What is the output?
  - how will the placement benefit the community?
  - who in the community will it benefit?
  - is the benefit to the community visible and lasting?



- would it be obvious to the taxpayer or a member of the public that the placement provides community benefit?
- if the placement does not appear to demonstrate direct involvement in the community benefit, does it have a supporting role in the project? (For example, an administrator organising a new outreach project for vulnerable people could be demonstrating community benefit).

### **Examples of community benefit**

3.39 The following sets out three ways that community benefit could be demonstrated. It is not an exhaustive list, but a job with clear community benefit may include:

- social benefits – for example projects that:
  - engage with and/or support vulnerable groups
  - support crime prevention or reducing anti-social behaviour
  - improve the physical, emotional or mental wellbeing of the community
  - improve access to public services for vulnerable groups
- environmental benefits – for example projects that:
  - regenerate, renovate or restore public areas, buildings, houses and amenities
  - promote or support recycling, re-use, or energy efficiency and conservation
  - promote or support nature conservation
  - promote an awareness of and respect for the natural environment
- cultural benefits – for example projects that:
  - extend or improve access to cultural, sporting, or educational opportunities for vulnerable or marginalized groups
  - encourage or promote understanding between different communities and/or generations.

### **What is not community benefit?**

3.40 The following are past examples that the Department feels fail to demonstrate sufficient community benefit:

- where giving a person employment is claimed as the community benefit:
  - providers have said that by ‘employing someone who would otherwise be a UC participant, we are helping the individual to find sustainable employment.’ This is a necessary requirement, but is not sufficient on its own to demonstrate a direct benefit to the community
- where ‘green jobs’ are presumed to automatically have community benefit:
  - although we welcome the creation of green jobs, being green does not automatically mean that a job provides community benefit as its main objective. It is still necessary that the community benefit can be demonstrated in line with the principles set out above
- where community benefit has been poorly articulated:
  - a number of providers who have not clearly demonstrated the community benefit that jobs deliver have failed to satisfy this criterion. For example,

one provider mentioned that sports coaching was the community benefit, but failed to explain why this was important within the context of the local community.

### **Mandating a participant to a work placement**

3.41 It is your decision whether or not to mandate a UC participant to a work placement. You must take the normal mandation action as detailed in UC Work Programme provider guidance [Chapter 3A – Work Programme Mandation](#). If you choose not to mandate participation, the activity can be undertaken on a voluntary basis – refer to [work experience on a voluntary basis](#).

### **Safeguarding the participant on work experience on a voluntary basis or community benefit work placement**

3.42 Where you decide to offer work experience on a voluntary basis you should ensure that:

- continued support is available to the participant, ensuring they are receiving appropriate help and support from the employer
- participants are engaged in a healthy and safe working environment. (Further information can be found in [Generic Provider Guidance Chapter 2 – Delivering DWP Provision](#))
- the employer understands what is expected of them
- it does not displace existing jobs
- the hours undertaken by the participant are reasonable according to their circumstances
- the work placement is suitable. (Further information can be found in [Generic Provider Guidance Chapter 2 – Delivering DWP Provision](#))
- the employer understands individual's health condition or disability and any reasonable adjustments required.

3.43 If a participant is vulnerable, it is important to ensure that they fully understand their responsibilities and that their participation in work experience is not a mandatory requirement. Information concerning identifying vulnerable participants can be found in UC Work Programme provider guidance [Chapter 4B – Safeguarding and Vulnerability](#).

3.44 It is also important that legislative requirements regarding safeguarding vulnerable participants are taken in consideration for example, Disclosure and Barring Service (DBS) checks. Further information regarding your legislative requirements can be found in [Generic Provider Guidance Chapter 2 – Delivering DWP Provision](#).

### **National Minimum Wage Act**

3.45 It is the provider's responsibility to ensure that all voluntary work experience and community benefit work placements are in line with National Minimum Wage (NMW) regulations. As part of their considerations, providers should consider the following points:

- as a general rule, persons participating in a relevant Government Scheme – which includes the Work Programme – designed to provide training, work experience or temporary work, or to assist in seeking or obtaining work, do not qualify for the NMW in respect of work done for an employer as part of that scheme
- however, there are some important exceptions:
  - participants will qualify for the NMW if they are regarded as employees of the employer **and** are paid for their work by the employer. Payment of expenses can be ignored for these purposes
  - even if they are not paid by the employer, participants will qualify for the NMW if they are regarded as employees of the employer **and** are participating in a trial period of work with that employer, in which the employer has agreed to offer a job to the participant if they successfully complete the trial, in cases where the trial is in excess of six weeks
- "Employment" has a wide meaning, and participants are likely to be regarded as employees if they agree voluntarily to take up the placement with a particular employer
- The NMW is very unlikely to apply to participants who volunteer to take part in an unpaid placement through the Work Programme which is not a work trial exceeding six weeks. Where a participant's expenses are paid, this still counts as unpaid work experience. There are no minimum or maximum periods for unpaid work experience, however, all activities must be reasonable in the participant's circumstances.

### **Monitoring participants on work experience on a voluntary basis or community benefit work placement**

3.46 It is suggested that you agree arrangements for monitoring the progress of participants on voluntary work experience and community benefit work placements. It is for you to decide how this will take place (for example, frequency and nature of monitoring) taking into consideration the length of participation, the type of activity undertaken, and the needs of the participant.

3.47 Therefore we would recommend you check:

- that the participant is undertaking the hours of work agreed when it was set up
- that the participant is being adequately supervised
- there has been no change in work duties that was agreed
- the participant is not working in an obviously unsafe environment
- any agreed reasonable adjustments are in place.

3.48 If you find that the employer is not abiding by any agreements that you have set out, we recommend that you first try to address any issues, and if this is not possible cancel that agreement

**Annex 1 – Work experience on a voluntary basis letter**

[UC VolWorkExp](#)

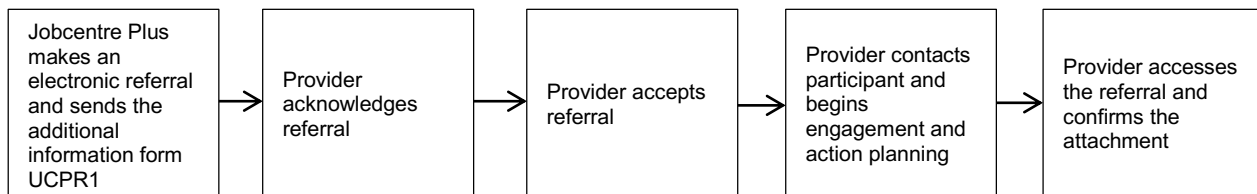
## Chapter 4A: Accepting Referrals, Initial Participant Engagement and Registering an Attachment

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

4.01 This chapter covers:

- [High Level Must Dos](#)
- [Referral to the Work Programme](#)
- [Provider acknowledges referral](#)
- [Provider accepts referral](#)
- [Multi Agency Public Protection Arrangements \(MAPPA cases\)](#)
- [Initial engagement activity](#)
- [Provider registers attachment](#)
- [Detailed background and further information](#)

### High Level Must Dos



### Referral to the Work Programme

4.02 All referrals to the Work Programme will be made by Jobcentre Plus. You will need to work with your local Jobcentre Plus contacts to ensure that an effective referral and engagement process takes place when claimants are referred to you.

4.03 The date the referral is made will count as day 1 of the 104 week period that you have available to work with the participant.

4.04 Currently, most referrals will be from UC claimants in the Intensive Work Search regime.. Further information can be found in [Chapter 2 - Work Programme Claimant Groups](#).

4.05 The PRaP interface is not currently able to transfer information about a UC participant's job goals, preferred hours and any special arrangements. Jobcentre Plus will record this information on the new form UCPR1 for each UC referral and this will be sent to you by post on the same day that the PRaP referral is made.

**Note:** The UCPR1 (Additional Information for PRaP Referral) form will be issued for all UC claimants who are starting the Work Programme (WP). Should an existing participant make a new claim, Jobcentre Plus will send you a UC78e (change of circumstances) form to indicate if the participant is claiming UC.

- 4.06 You may receive a phone call from the JCP Work Coach when they make the referral. This will be dependent on the agreement between you and Jobcentre Plus. This is known as a warm handover.
- 4.07 Where both claimants in a couple are referred to the Work Programme both will be referred to the same provider.
- 4.08 Each claimant is treated on an individual basis and placed in a labour market regime based on their individual circumstances. If both claimants are in the Intensive Work Search regime, they will be referred to the Work Programme at the same time, once the first member of the couple becomes eligible. This means that providers will receive referrals for partners, who may not have reached their referral/eligibility date as a single person. The UCPR1 form will include the name and NINO of the partner to help you identify the couple.
- 4.09 Where couple claimants are in different labour market regimes, each will be referred to you depending on their eligibility/referral point. They will both be referred to you, but at different times.

#### **Provider acknowledges referral**

- 4.10 You are required to 'acknowledge' the participant's referral made by Jobcentre Plus using the PRaP system.

#### **Actions**

- Access the PRaP system and acknowledge the referral. (Further detail on the process by which this action needs to be undertaken is covered within the interim User Productivity Kit (UPK) topics).

#### **Consequence:**

Failure to acknowledge a referral will mean that you are unable to accept a referral or record an attachment date and will be unable to receive any resulting payments.

#### **Provider Accepts Referral**

- 4.11 You are required to 'accept' the participant's referral made by Jobcentre Plus.

#### **Actions**

- Access the PRaP system and accept the referral. (Further information regarding the use of PRaP can be found in the UPK. This is available via the help function embedded within PRaP).

#### **Consequence:**

Failure to accept a referral will mean that you are unable to register an attachment and, therefore, be unable to claim any Job Outcome payments.

## **Multi Agency Public Protection Arrangements (MAPPA) cases**

4.12 MAPPA cases that have not been given Special Customer Record status will be referred through PRaP; you will receive the referral, minus the address, postcode and contact telephone number of the participant.

### **Actions**

- The nominated officer from Jobcentre Plus will contact your nominated officer to give details of any restrictions that are in place for the participant.
- Take the same action on PRaP as for non-MAPPA cases to acknowledge and accept the referral.

## **Special Customer Records (SCR) - including MAPPA cases given SCR status**

4.13 Participants who have been granted Special Customer Record (SCR) status will always be referred to you clerically using the SL2 clerical referral form. There is no requirement for clerical cases to be acknowledged or accepted on PRaP. The first step in the clerical process is to claim the attachment following your initial engagement with the participant.

4.14 In rare cases, some MAPPA participants may be given SCR status. You must ensure that you treat these cases as you would any other SCR participant.

### **Actions**

- Jobcentre Plus will complete Page 1 (of three) of form SL2; forwarding the entire form to your nominated officer.
- On receipt of form SL2 from Jobcentre Plus, you must undertake attachment activity (retaining Pages 2 and 3 of the form) and complete and return Page 1 to the Jobcentre Plus nominated officer.
- You should also send a photocopy of Page 2 of the SL2 form to the Provider Payment Validation Team (PPVT) accompanied by the relevant PRaP11 form in order to register the Attachment. Further information about information can be found in [Generic Provider Guidance Chapter 8 - Information Security](#).

## **Initial engagement activity**

4.15 You must engage with the participant by discussing the Programme and begin action planning with them. As a minimum, this must include the next steps for the participant to take, on either a voluntary or mandatory basis. The way in which you contact participants is at your discretion according to your minimum service standards.

## Actions

- You must keep evidence of this two way discussion.
- If your initial engagement activity takes place by telephone and you have not received the UCPR1 form in time, you should gather the additional information as part of the phone call. On receipt of the form, you must check to ensure that all aspects have been taken into account.
- If your initial engagement activity takes place face-to-face prior to receiving the UCPR1, you must check to ensure that the participant's additional information details are taken into account when the form is received.
- You must issue any mandatory activities to the participant in writing and give appropriate consideration to the personal circumstances and capability of participants.

## Provider registers attachment

4.16 Once you have engaged with the participant you are required to register the attachment. We expect the engagement and attachment to take place within 15 working days of the referral. This includes prison leavers who make their claim within 13 weeks of release and have been referred to you for Day One support.

## Actions

- You must record the attachment in PRaP. (The actions needed to undertake this are covered in the UPK Topic 'Advise Start Provision Date'. This is available via the help function embedded within PRaP).
- Input both 'date 1' and 'date 2' as the same date when recording the participant's attachment.
- The attachment date you record in PRaP must always be "today's date". This date may not necessarily be the date on which the two-way discussion actually took place but the date cannot be backdated in PRaP.



**Consequence:**

Failure to complete attachment activities in PRaP as soon as you have taken the action could result in:

- Non-payment of outcomes if the job start date falls before an attachment has been recorded.
- Failing to meet audit requirements, leading to a recovery of funds.

**Detailed background and further information**

**Participant's referral information from Jobcentre Plus**

4.17 Information sent to you as part of the referral is personal data within the meaning of the Data Protection Act and handling, processing and transmission rules apply. Further information about information can be found in [Generic Provider Guidance Chapter 8 - Information Security](#)

**Referral Data**

This includes:

- Referral ID – PRaP will use this to identify the referral. UC referrals will be identified by the purchase order number starting with '2'. Non-UC referrals will continue to be identified by the purchase order number starting with '1'. For example:
  - UC referral – 200123456
  - Non-UC referral – 100123456
- Provision ID – Identifies the provision to which the participant is being referred;
- Referral Date – The business date on which the referral was made;
- Mandatory Provision – Identifies whether this is a mandatory referral; and
- MWR Activity – Indicates the participant's need for Mandatory Work Related Activity.

**Customer Data**

This includes:

- Title;
- Forename;
- Surname;
- NINO;
- Client No. – A unique system generated number given to each participant on the system;
- Telephone number, including standard code;
- Alternative telephone number;
- Full address, including post code;
- Disability status – Indicates whether the participant has a disability;
- Signing day;

- Incident marker – Signifies whether or not an incident has occurred involving a participant on Jobcentre Plus premises;
- Childcare requirements – Helps to identify possible additional support requirements;
- Driving licence details; and
- Licence endorsement – Indicates if a customer has endorsements on their driving licence.

### **Employment History Data**

This includes:

- A description of the participant's most recent job with start and end dates; and
- A description of the participant's previous job with start and end dates.

### **Qualifications Data**

This includes:

- Number – A sequence number to indicate the chronological order in which the participant's qualifications were gained;
- Level – The level of qualification achieved;
- Subject – The subject of the qualification;
- Outcome – The outcome of the qualification taken;
- Start Date – The date on which the participant started taking the qualification;
- End Date – The date on which the participant completed or abandoned taking the qualification.

### **Additional Referral Information**

4.18 You will receive an additional information form (UCPR1) to supplement the PRaP referral information for each claimant. This form will be sent to you by post on the same day that the PRaP referral is made.

4.19 The Additional Information form (UCPR1) will cover the participant's:

- Job aims;
- Job preferences;
- Preferred hours;
- Special arrangements (for example, wheelchair access; translator or any specific support needs); and
- Complex needs and any additional requirements (used at the JCP Work Coach's discretion to tell you of any pertinent information).

- 4.20 Where you do not receive the UCPR1 form within 3 working days of receiving the PRaP referral, you should contact the JCP Work Coach who made the referral on the fourth day by telephone and request a duplicate copy. This will be issued on the same day by post.

### **MAPPA cases**

- 4.21 The Jobcentre Plus nominated officer will contact your nominated officer to discuss any risks or restrictions that should be in place for each MAPPA referral. They will forward to you a copy of the MAPPA J form which will detail the restrictions. Risks or restrictions will be different for every MAPPA case.
- 4.22 The MAPPA J form and any other clerical documents for each claim must be held securely, with restricted access, following the same process as you would for the SL2 forms.
- 4.23 The Jobcentre Plus nominated officer will also provide you with the participant's contact details.
- 4.24 You can set up normal electronic records on your IT systems for MAPPA participants. However, the record must only contain information regarding the day to day running of the claim and should be marked that it is a MAPPA case and that further information can be obtained from your nominated officer. Therefore, access to this record does not need to be restricted.
- 4.25 If it is deemed appropriate, the Jobcentre Plus nominated officer may also issue letters to the participant which you would normally have issued.
- 4.26 Further explanatory information about MAPPA cases is contained in [Generic Provider Guidance Chapter 2 – Delivering DWP Programme Provision](#).

### **Special Customer Records (SCR) - including MAPPA cases given SCR status**

- 4.27 Participants who have been granted Special Customer Record (SCR) status will be referred to you clerically following the SL2 process. There is no clerical equivalent of accepting a PRaP referral for SCR cases, so this step does not apply in these instances. Provider action will continue to start following initial engagement.
- 4.28 Further information about SCR cases can be found in [Generic Provider Guidance Chapter 2 – Delivering DWP Programme Provision](#).
- 4.29 You must ensure you have a full understanding of who these participants are and how you should deal with them. You must ensure full compliance with the SCR clerical record process.
- 4.30 The clerical completion and return of SL2 forms for SCR participants should always be undertaken by your nominated officer who must ensure that “SCR participant” is clearly marked at the top of each form.

4.31 All information on SCR participants whether received from Jobcentre Plus or generated by yourselves must be stored securely at all times. Further information is contained in [Generic Provider Guidance Chapter 8 - Information Security](#).

### **Participants with Complex Needs**

4.32 Jobcentre Plus will help you to identify these individuals by recording any complex needs on the UCPR1 form.

4.33 Where the UCPR1 states the claimant has complex needs, you will need to obtain all relevant information from the participant to help you to address the impact of those personal circumstances which prevent them from moving into work, as they may have one or multiple reasons why they require support.

4.34 It is important to ensure that participants with complex needs are well managed in order to keep them engaged on the Work Programme.

4.35 It is good practice to:

- Ensure that you meet them face to face on a regular basis to make sure that they fully understand what is required of them.
- Consider meeting them at a community centre or a local library rather than on your own premises if you think that they may find this less intimidating.
- With the participants consent (when required) meet with their representative or appointee to establish if there is anything specific you can do to help. They may be aware of special circumstances that could affect the participant's ability to fully engage in the Work Programme.
- Consider having specially trained advisors who are experts in dealing with and understanding participants with complex needs.

### **Care Leavers**

4.36 From 1<sup>st</sup> September 2014, care leavers (aged 18-21 years only) have the opportunity to access the Work Programme on a voluntary basis from the first day (day 1) of being placed in the Intensive Work Search regime. Previously, care leavers were able to volunteer for early access from 3 months.

4.37 These initial referrals will be made through Payment Group 3 and, once referred, participation will be mandatory (unless it becomes voluntary due to a change of circumstances). Further information can be found in [Chapter 2 - Work Programme Claimant Groups](#).

4.38 It is your responsibility to ensure that you identify and provide the right level of support for this group to enable the participant to find and stay in employment.

4.39 To help identify the positive effect this change in policy has had on Care Leavers within the Work Programme, providers may be asked to send case studies on these participants to their Performance Manager.

## Inappropriate referrals

4.40 Situations may arise where Jobcentre Plus make a referral which is inappropriate. As Jobcentre Plus will be operating two separate IT systems for referring UC and 'legacy' benefit claimants to the Work Programme (UC claimants via Work Search Platform (WSP) and legacy benefit claimants via LMS), an error may result in a claimant being referred more than once to the same provider.

4.41 An inappropriate referral may occur because:

- [A claimant may be ineligible for the Work Programme](#)
- [A claimant has been referred as part of the wrong claimant group](#)
- [A claimant has been referred to more than one provider](#)
- [A claimant has been referred more than once to the same provider \(duplicate referral\)](#)

4.42 In these cases and only these cases, there are processes to correct the error. The error should be identified by Jobcentre Plus who will instigate the appropriate action.

4.43 When the error is discovered by Jobcentre Plus, they will telephone you to advise you what has happened. Upon receipt of this telephone call, you should take no further action with the participant until further instruction from Jobcentre Plus.

4.44 You should advise the PRaP Operational Support Team (POST) and each relevant Jobcentre with the name of your nominated contact person so that these occurrences can be resolved as soon as possible.

4.45 If you discover an error with the referral, you should immediately contact the Work Services Manager (WSM) at the Jobcentre concerned.

**Please Note:** You must **not** cancel or reject a referral before speaking to the WSM. It is up to the WSM to decide if the referral is incorrect.

4.46 The outlined scenarios, prompted by Jobcentre Plus, should be the only circumstances in which 'Rejections' or 'Cancellations' in PRaP should be recorded for Work Programme participant referrals.

## A claimant is ineligible for the Work Programme

4.47 If it is discovered that a referral to the Work Programme has been made for a participant who is ineligible, Jobcentre Plus will contact the participant to determine whether they wish to remain on the Work Programme or leave to be referred at the correct time.

4.48 If the participant wishes to stay, Jobcentre Plus will advise you of this and you may then continue to work with the participant. If the participant wishes to

leave, Jobcentre Plus will advise you accordingly and your subsequent actions will depend on the action you have already taken.

- 4.49 Where the error is discovered and notified prior to acknowledgement and/or acceptance in PRaP - you are required to reject the referral in PRaP recording a rejection reason of 'Other'.
- 4.50 Where the error is discovered and notified after acceptance but prior to attachment in PRaP - you are required to cancel the referral in PRaP recording a cancellation reason of 'Did Not Start'.
- 4.51 Where the error is discovered and notified after attachment in PRaP - Jobcentre Plus will advise the PRaP Operational Support Team (POST) who will arrange for the referral to be 'backed-out' of PRaP. POST will then email you when this action has been completed and you must then cancel the referral in PRaP within 24 hours recording a cancellation reason of 'Did Not Start'. The participant will then be referred to the WP at the correct time.

#### **A claimant is referred as part of the wrong claimant group**

- 4.52 When the error is discovered and notified prior to acknowledgement and/or acceptance in PRaP - you are required to reject the referral in PRaP recording a rejection reason of 'Other'.
- 4.53 When the error is discovered and notified after acceptance, but prior to attachment in PRaP - you are required to cancel the referral in PRaP recording a cancellation reason of 'Did Not Start'.
- 4.54 Once the inappropriate referral has been rejected/ cancelled, Jobcentre Plus will refer the participant back to you using the correct claimant group.
- 4.55 Where the error is discovered and notified after attachment in PRaP - if you have already attached, there is no further action to take. The participant will remain with you and remain in the incorrect claimant group and all payments will correlate to this claimant group.

**Please Note:** Where the participant is to remain in the incorrect claimant group Jobcentre Plus will advise and notify you of which 'claimant group' the participant should have been referred under. It is important that you record this information as this will inform you of the participant's participation requirements (e.g. on a mandatory/ voluntary basis).

#### **A claimant has been referred to more than one provider**

- 4.56 Jobcentre Plus will contact the participant to determine which provider they wish to remain with and notify all providers accordingly.
- 4.57 If the participant wishes to remain with you, Jobcentre Plus will advise you of this and you may then continue to work with the participant.

- 4.58 If the participant wishes to work with another provider, Jobcentre Plus will advise you accordingly and your subsequent actions will depend on the action you have already taken.
- 4.59 Where the error is discovered and notified prior to acknowledgement and/or acceptance in PRaP - you are required to reject the referral in PRaP recording a rejection reason of 'Other'.
- 4.60 Where the error is discovered and notified after acceptance but prior to attachment in PRaP - you are required to cancel the referral in PRaP recording a cancellation reason of 'Did Not Start'.
- 4.61 Where the error is discovered and notified after attachment in PRaP - Jobcentre Plus will advise the PRaP Operational Support Team (POST) who will arrange for the referral to be 'backed-out' of PRaP. POST will then email you when this action has been completed and you must then cancel the referral in PRaP within 24 hours by recording a cancellation reason of 'Did Not Start'.

**A claimant has been referred more than once to the same provider**

- 4.62 Where attachment **has not** been recorded (on any of the referrals):
- Jobcentre Plus will advise you which participant referral is correct and you should acknowledge, accept and attach the participant on this referral and continue to work with the participant.
- 4.63 Where attachment **has** been recorded on multiple referrals for a participant:
- Jobcentre Plus will advise you which participant referral is correct and you should continue to work with the participant.
  - Jobcentre Plus will advise the PRaP Operational Support Team, who will arrange for the referral to be 'backed-out' of PRaP. POST will then email you when this action has been completed and you must then cancel the referral in PRaP within 24 hours by recording a cancellation reason of 'Did Not Start'.
- 4.64 Where attachment has been recorded for a participant on the correct referral but not on the inappropriate referral:
- Jobcentre Plus will advise you to continue to work with the participant.
  - For the inappropriate referral, Jobcentre Plus will advise you accordingly and your subsequent actions will depend on the action you have already taken:
  - Where the error is discovered and notified prior to acknowledgement and/or acceptance in PRaP - you are required to reject the referral in PRaP, recording a rejection reason of 'Other'.
  - Where the error is discovered and notified after acceptance in PRaP - you are required to cancel the referral in PRaP by recording a cancellation reason of 'Did Not Start'.
- 4.65 Where attachment has been recorded for a participant on the inappropriate referral but not on the correct referral:

- If the error is discovered after the inappropriate referral has been attached in PRaP -the participant will remain with you and remain in the incorrect claimant group and all payments will correlate to this claimant group:
- Where the error is discovered and notified prior to acknowledgement and/or acceptance in PRaP - you are required to reject the referral in PRaP recording a rejection reason of 'Other'.
- Where the error is discovered and notified after acceptance in PRaP - you are required to cancel the referral in PRaP by recording a cancellation reason of 'Did Not Start'.

**Please Note:** Where the participant is to remain in the incorrect claimant group Jobcentre Plus will advise and notify you of which claimant group the participant should have been referred under. It is important that you record this information as this will inform you of their participation requirements (e.g. on a mandatory/ voluntary basis).

### **Initial engagement activity**

4.66 Once you have accepted the participant's referral from Jobcentre Plus you are required to engage with the participant by:

- Discussing the Work Programme; and
- Beginning your action planning with them.

4.67 It is for you to determine the most appropriate means of contact with the participant and evidence of the two way discussion must be recorded.

4.68 If your initial engagement activity takes place by telephone and you have not received the UCPR1 form in time, you should gather the additional information as part of the phone call. On receipt of the form, you must ensure any complex needs are considered and that special requirements are in place if appropriate (e.g. translator; accessibility requirements etc.). (See section on 'Additional Referral Information').

4.69 If your initial engagement activity takes place face to face with the participant prior to receiving the UCPR1, you must check to ensure that the participant's additional information details, including any complex needs and/or special requirements, are taken into account when the form is received.

4.70 To ensure timeous attachment you may choose to mandate participants to engage. Where you do so, you must ensure you meet regulatory commitments and give appropriate consideration to participants with complex needs. You must also, in all cases take follow up action where a participant fails to comply with the stated mandatory action. Further Information on mandating participants can be found in [Chapter 3A - Work Programme Mandation](#) and [Chapter 6 - Raising a Compliance Doubt](#).



4.71 You are expected to engage with the participant and register the attachment on PRaP within 15 working days of the referral. DWP Performance Managers will monitor volumes of participants who do not fall within this timeframe. Therefore, consideration needs to be given to the evidence you record regarding your efforts to engage with all participants.

4.72 DWP expect you to have effective processes in place to meet this requirement and be able to demonstrate that you have conducted the necessary actions.

**Please Note:** It is essential that you retain robust evidence of the 2 way conversation/action planning which supports the Attachment Activity. This evidence will be subject to validation, audit and the evidence must be retained in line with European Social Fund (ESF) document retention requirements. See [Generic Guidance Chapter 11 European Social Fund](#).

### **Initial engagement activity for Day 1 Support for prison leavers**

4.73 Prison leavers who make a claim to UC within 13 weeks of their release date will be considered for mandation to the Work Programme when they are placed into the Intensive Work Search regime.

**Please Note:** It is not currently possible for Prisoners to make an advance claim for UC prior to release. Therefore, Day One referrals will only take place after release when the UC claim has been made.

4.74 Prison leavers can be mandated to undertake activities in the same way as other mandatory participants and where you do so; you must take follow up action where a participant fails to comply with the stated mandatory action.

4.75 Further Information on mandating participants can be found in [Chapter 3A - Work Programme Mandation](#).

### **Participant Contact**

4.76 The frequency and means (text, e-mail etc.) by which you contact participants will be driven by your minimum service standards.

### **Identity Checks**

4.77 You must ensure that in all communications with participants or their advocates you are satisfied you are engaging with the correct person.

4.78 To do this, you may decide to ask them to state a combination of their personal information such as:

- Full name;
- Address;
- National Insurance Number;
- Other information; such as details that were included within the original referral from Jobcentre Plus;

- Details you hold on your records.

### **Action Planning – Minimum Requirements**

4.79 You must ensure that, as a minimum, participants have access to all on-going mandatory requirements recorded in a single document that is available to them at their request. This should include a clear explanation of what each activity is, when it occurs, when it must be completed by and what evidence is required to demonstrate completion of the activity. (Further Information on Action Planning requirements can be found in [Work Programme Guidance – Action Planning](#)).

### **Participant starts work between referral and attachment**

4.80 Claimants may report that they have found a job in between their referral interview with Jobcentre Plus and engaging with you.

4.81 If you are notified before the job start date you should endeavour to engage with them and complete attachment activity, up to and including the day before they actually start work.

4.82 Undertaking this action promptly will enable you to offer the claimant both the initial support they may require to begin work, for example travel expenses, clothing etc. and on-going in-work support to help them sustain employment.

4.83 In these circumstances you will be eligible for any subsequent outcome/sustainment payments in line with current award criteria.

4.84 If you are unable to complete engagement activity before the claimant starts work you must not attach them.

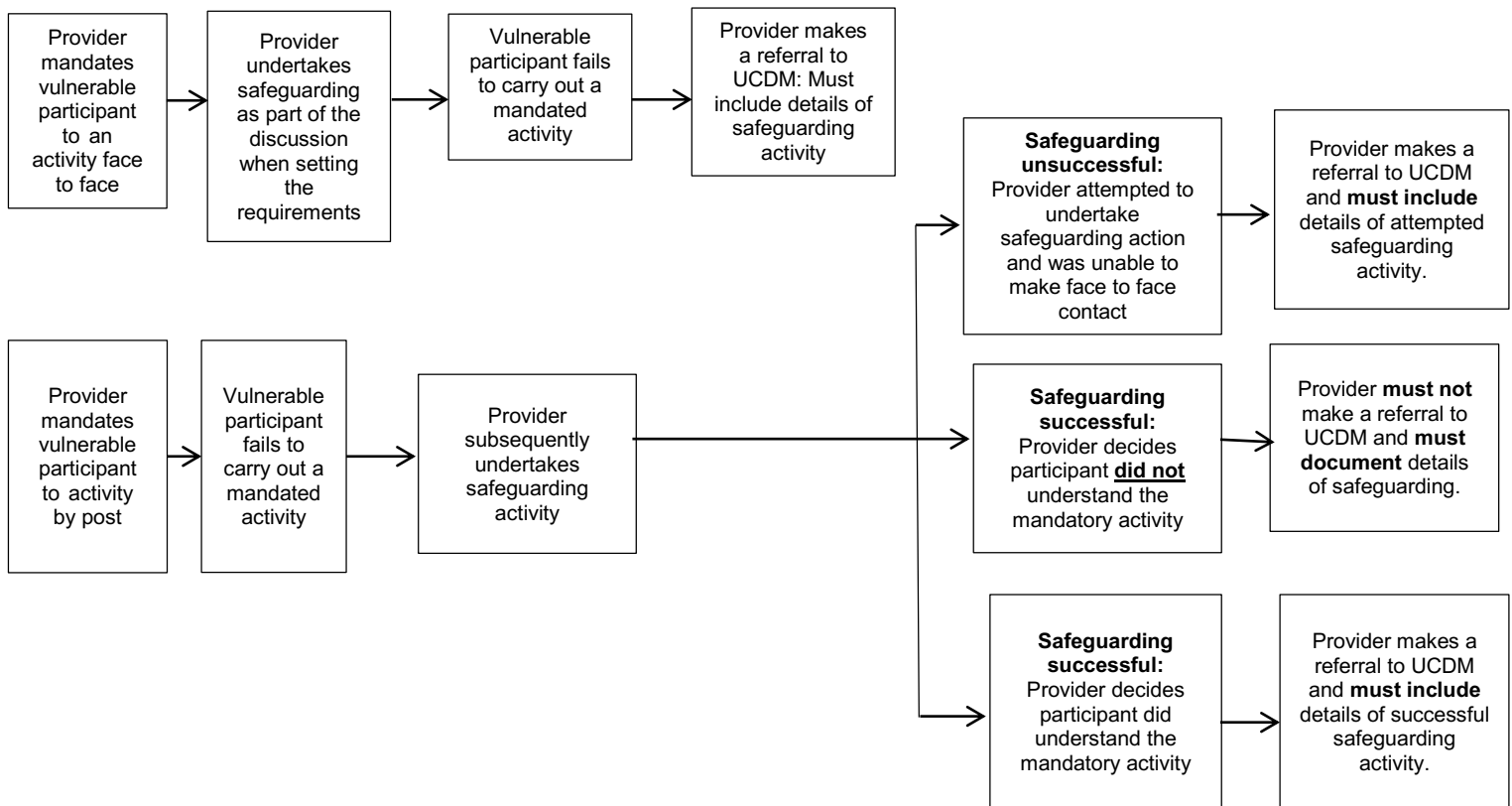
4.85 Once referred the participant remains with you for 104 weeks. Further information can be found in [Chapter 2 - Work Programme Claimant Groups](#).

## Chapter 4B: Safeguarding and Vulnerability

4.01 This chapter covers:

- [High level Must Dos](#)
- [Vulnerable participants](#)
- [Identifying a vulnerable participant](#)
- [MAN issued face to face](#)
- [MAN issued by post](#)
- [Safeguarding successful – participant understood the requirement](#)
- [Safeguarding successful – participant \*\*did not\*\* understand the requirement](#)
- [Safeguarding unsuccessful – no face to face contact](#)
- [Representatives and Appointees](#)

### High Level Must Do's



- 4.03 When setting requirements on a participant you must also ensure that the participant understands the activity that you have mandated them to do and the consequences of not complying. Further information can be found in [Chapter 3A – Work Programme Mandation](#).

### **Vulnerable participants**

- 4.04 The Work Programme definition of a vulnerable participant is;

**“Those who have mental health conditions, learning disabilities or conditions affecting communication/cognition”**

- 4.05 This definition can be applied to UC participants in Payment Groups 5, 6a, 6b and 7, who are in the Work Preparation regime and have a WCA prognosis.
- 4.06 Some claimants may have complex needs but will not be considered vulnerable for the purposes of the Work Programme. For all activities that a participant is required to do you should always consider if they are reasonable for that participant and their particular circumstances, needs and capabilities.
- 4.07 Safeguarding must be undertaken for all UC claimants who meet the Work Programme definition of vulnerable and are in the Payment Groups detailed above.
- 4.08 Before raising a compliance doubt for vulnerable UC participants you must have ensured by engaging face to face with the participant, that they have understood the requirements of the activity and possible consequences of not carrying out the mandated activity. This is known as ‘safeguarding’.
- 4.09 The safeguarding policy is intended to protect vulnerable UC participants and ensure no sanction is imposed inappropriately i.e. because the vulnerable participant did not understand what they were being asked to do.

### **Identifying a vulnerable participant**

- 4.10 When making the initial referral to the Work Programme the JCP Work Coach will use the UCPR1 to notify the provider of claimants who meet the Work Programme definition of vulnerable.
- 4.11 The UCPR1 referral, any subsequent change of circumstances notifications or your own evidence may indicate that the participant meets the Work Programme definition of vulnerable.
- 4.12 During the claimants time on the Work Programme you are required to establish their circumstances, which includes their vulnerability status. Providers will be expected to identify these participants, based on the information provided by Jobcentre Plus, as well as from their own interactions.

- 4.13 To assist in your identification of a vulnerable participant you should use any information provided by Jobcentre Plus, your own records of meetings and communications you have already had with the participant.
- 4.14 Throughout the 104 weeks a claimant is on the Work Programme their circumstances may change. It is advisable to continuously review a participant's vulnerable status as this may change during their time on Work Programme.
- 4.15 If a participant is designated as vulnerable by Jobcentre Plus, you must continue treating them as vulnerable. In these circumstances the vulnerability status will remain unchanged unless you receive further instruction from Jobcentre Plus advising you that the participant is no longer vulnerable.
- 4.16 You will need to ensure that you have appropriate systems in place to identify vulnerable participants and take appropriate safeguarding action prior to imposing requirements on them.

**Please note:** The safeguarding measures you are required to undertake for vulnerable participants are in addition to your legislative requirements regarding vulnerable participants. Further information regarding your legislative requirements can be found in [Chapter 2 of the Generic Provider Guidance](#).

#### **Participant is not vulnerable**

- 4.17 If the participant is not vulnerable then you should make the compliance doubt referral in the usual way. Safeguarding activities are not required. Further information can be found in [Chapter 6 - Raising a Compliance Doubt](#).

#### **Participant is vulnerable – carry out Safeguarding Activities**

- 4.18 If the UCPR 1, relevant change of circumstances notifications or your own evidence tells you the participant meets the Work Programme definition of vulnerable you must successfully carry out safeguarding activities, or attempt to complete safeguarding activities, before you raise a compliance doubt.
- 4.19 When mandating a vulnerable participant to an activity you must ensure that they understand the mandated requirement and the potential consequences if they fail to meet this requirement. You must also explain exactly what action they must take in order to stop the open ended part of a sanction.

#### **MAN issued face to face**

- 4.20 If you are issuing a MAN at a face to face meeting you will be able to discuss the requirement at that point and assure yourselves that the vulnerable participant has understood the requirement and consequences of failing to comply with mandated activity.

- 4.21 Where this has been done face to face you have therefore carried out safeguarding at the point of mandation and are not required to repeat the activity.
- 4.22 Where the participant does not understand the requirement and consequences of failing to comply, the requirement should not be set.

### **MAN issued by post**

- 4.23 If you choose to send the MAN to the participant by post you will not be able to discuss the requirement face to face. Therefore if the participant fails to undertake the mandated activity you will have to ensure they understood the original requirement by undertaking safeguarding activity prior to submitting a compliance doubt. This means, as a minimum, you must have, or attempt to have, a face to face discussion to confirm the participant has understood the activities that you have mandated them to do and the consequences of non-compliance. Face to face includes carrying out a home visit if necessary.
- 4.24 You must document the actions you have taken in respect of safeguarding. You should confirm that the participant understood the mandated activity and the consequence of non-compliance.
- 4.25 If the participant did not understand the requirement or the consequence of non-compliance the requirement should be withdrawn.
- 4.26 Safeguarding activities must always be completed and documented, or attempted and documented, before raising a compliance doubt on each occasion that a mandatory requirement is notified to a participant.

### **Action**

- Review a participant's vulnerability status prior to submitting a compliance doubt.
- Carry out and document any successful or attempted safeguarding activities every time a vulnerable participant has failed to undertake any mandated activity.

### **Safeguarding**

- 4.27 Safeguarding refers to the specific measures that should be taken to ensure that a vulnerable participant understood what was required of them, before making a compliance doubt referral.
- 4.28 It is your responsibility to attempt to see vulnerable participants face to face to ensure that they fully understood their responsibilities and possible consequences of not carrying out the mandated activity.
- 4.29 The specific safeguarding measures that you take will vary according to the participant's individual circumstances but they could include:
- Asking the participant to attend an appointment with you.

- Visiting a participant at a neutral location such as a community hall or public library.
- Visiting a person at home – the participant may feel more comfortable or secure in their own environment and consequently more receptive to what you are asking of them. A home visit must be attempted if you are unable to have a face to face discussion in any other way.

4.30 Any safeguarding activities you undertake and the outcome of these activities must be noted in the information you send to the UCDM as part of your evidence to support the compliance doubt referral.

**Please note:** A compliance doubt referral must not be made for vulnerable participants until after safeguarding measures have been successfully undertaken or attempted and documented.

**Safeguarding Activities are successful – Participant understood the original requirement.**

The appropriate safeguarding actions have been completed successfully:

- When the mandatory activity is notified to the participant at a face to face discussion, the MAN is issued as part of that discussion only if the vulnerable participant understands the requirement and possible consequences of non-compliance.
- Following the issue of a MAN by post; once you have had a face to face discussion with the vulnerable participant, (after they have failed to participate in a mandatory activity) and you are content that they understood the requirements and possible consequences of non-compliance.

4.31 You must document the actions you have taken in respect of safeguarding and ensure the participant understands the mandatory requirement and the consequence of non-compliance. Once the participant understands the mandatory requirement and the potential consequence of non-compliance safeguarding has been completed successfully.

**Action**

- You must keep a record detailing the safeguarding activities you have undertaken and the outcome of the activities.
- You must include the specific details and nature of the safeguarding activities undertaken on the referral to the UCDM
- Raise the compliance doubt referral in the usual way. Further information can be found in [Chapter 6 – Raising a Compliance Doubt](#).

**Safeguarding Activities are successful – Participant did not understand the original requirement.**

4.32 If you are undertaking safeguarding activities at the point the mandatory activity is notified to the participant in a face to face discussion you must always ensure the participant understands the mandatory activity and the consequence of non-compliance. If the participant does not understand either of these, the

requirement cannot be set as a mandatory activity and may not be reasonable for their circumstances and capability.

- 4.33 Following the issue of a mandatory requirement by post, and once you have had a face to face discussion with the vulnerable participant, (after they have failed to participate in a mandatory activity) you may decide the participant **did not** understand the requirements of the activity or the possible consequences of non-compliance.
- 4.34 In this situation you must document the safeguarding activities undertaken and be able to explain how you reached your decision. Do not raise the compliance doubt referral but continue to engage with the participant paying due consideration to their personal circumstances and vulnerability status.
- 4.35 You must also ensure that the participant understands that the specific notified activity is no longer a mandatory requirement.

#### **Action**

- You must keep a record detailing the safeguarding activities you have undertaken and the outcome of the activities.
- The record must include the reason why the original mandatory activity is no longer required.
- You must not raise the compliance doubt referral.
- Ensure the participant understands that the specific notified activity is no longer a mandatory requirement
- Continue appropriate engagement with the participant considering their personal circumstances and vulnerability status.

#### **Safeguarding Activities are unsuccessful – No face to face contact.**

- 4.36 Following the issue of a mandatory requirement by post if you have attempted but been unable to have a face to face discussion with the participant to check their understanding of the requirement and the consequence of non-compliance, the appropriate safeguarding steps have not been undertaken.

#### **Action**

- You must keep a record detailing the safeguarding activities you have attempted to undertake and the outcome of the activities
- You must include the specific details and nature of the attempts to undertake safeguarding on the referral to the UCDM
- Raise the compliance doubt referral in the usual way. Further information can be found in [Chapter 6 – Raising a Compliance Doubt](#).

#### **Representatives**

- 4.37 A vulnerable participant may have a representative that helps them.

Examples of representatives include:



- a relative or friend
- a welfare organisation
- a social worker
- a Careers Service/Connexions Service

**Please note:** You are free to talk to the representative about the participant if the participant has given you written consent. This can be helpful as it allows you to explain fully what is required of the participant to the representative, who can in turn fully explain this to the participant.

### **Appointees**

4.38 If the vulnerable participant has an appointee you are free to speak to them about the participant without any written consent as they have the same legal status as the participant themselves and are legally empowered to act on their behalf.

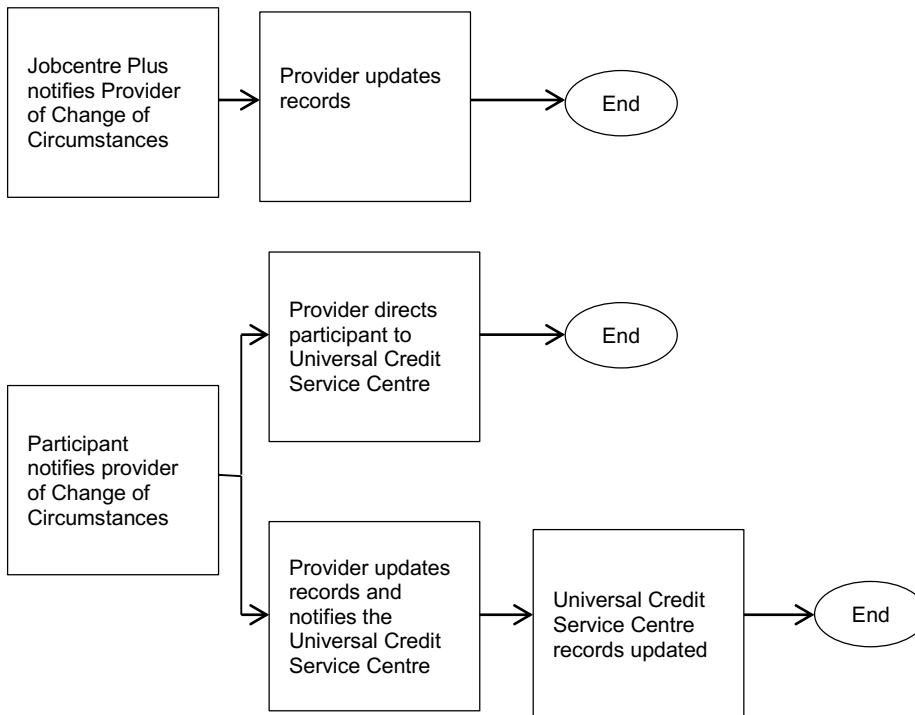
## Chapter 5: Change of Circumstances and Notifications

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

5.01 This chapter covers:

- [High Level Must Dos](#)
- [Participant notifies a provider of change of circumstances](#)
- [Detailed background and further information](#)

### High Level Must Dos



### Participant notifies provider of a change of circumstances

5.02 You must notify the Universal Credit Service Centre (UCSC) if the participant (or their representative) informs you:

- They have started work, stopped or lost work (this includes any part-time work or a change in hours worked).
- They are sick.
- They have had an accident or been involved in an incident on your premises.

You must also notify the UCSC if:

- You are made aware that the participant has died.

**Please note:**

Participants must notify the UCSC if they start or stop work or become sick.

## Actions

- Notify the UCSC of the change using the Change of Circumstances form [UC78](#) and send it securely to:

Universal Credit  
Post Handling Site B  
Wolverhampton  
WV99 1AJ

- Where a participant informs you of a change of circumstance other than those listed above you must direct them to report the change to the UCSC.

### **Consequence:**

Failure to notify UCSC may result in an overpayment of Universal Credit to the participant and/or an inappropriate sanction being imposed.

**Please Note:** It will **not** be possible for you to notify DWP of participant change of circumstances via unencrypted email they must continue to be sent by post.

## Detailed background and further information

### Reporting changes to the UCSC

5.03 Ensure that changes reported to the UCSC are sent securely. For further information about sending documents securely refer to [Generic Guidance Chapter 8 – Information Security](#).

### Participant starts work

5.04 If a participant notifies you that they have started work you need to notify the UCSC. This includes any full time, part-time or voluntary work, self-employment or an increase in hours worked.

5.05 You should note the details of the participant's employer, the number of hours they are working and the start date if it is provided.

5.06 The earnings may affect the participant's Universal Credit (UC) claim, change the labour market regime they fall into and whether participation in the Work Programme is mandatory or voluntary.

5.07 A UCSC agent will notify you of the impact of earnings on the labour market regime and participation requirements by sending a UC78e form.

5.08 You should continue to work with the participant as usual until you are notified of any changes to their labour market regime and the work related requirements.

### Participant is sick

5.09 You should notify the UCSC at the beginning of the participants period of sickness and provide the anticipated end date and, if possible, the nature of the

illness. It would also be good practice for you to note your records of their period of sickness.

- 5.10 Participants may have work search/work availability requirements switched off, for a limited period, where they are unfit for work. Therefore, a claimant's participation on the Work Programme may change, if the JCP Work Coach decides that it is unreasonable to impose a work preparation activity or the circumstances of the participant change.
- 5.11 A UC agent will notify you of a change in the participant's circumstances and any restrictions on their participation in the Work Programme.
- 5.12 Where a participant is unfit for work for longer than a period of 14 consecutive days or for more than 2 such periods in any period of 12 months, the JCP Work Coach will take a discretionary decision about what requirements to apply based on their new circumstances and notify you of this, and longer term if there is any change to their labour market regime on the UC78e.

### **Participant death**

- 5.13 If the participant's representative notifies you that the participant has died, you must notify your UC contact immediately by telephone and follow up in writing as usual.

**Please Note:** you should only note your records at this stage. Do not undertake any action to input the completer reason until you receive confirmation of the participant's death from UC (who will have verified the information).

### **Informing Jobcentre Plus of an incident or accident on your premises**

- 5.14 Any incidents or accidents which occur on your premises should be reported to your Jobcentre Plus contact immediately by telephone and followed up in writing. Further Information can be found in [Generic Provider Guidance Chapter 2 – Delivering Work Programme Provision](#).

### **Jobcentre Plus notifies provider of a change of circumstances**

- 5.15 When Jobcentre Plus becomes aware of any relevant changes in circumstances, they will notify you on the UC78e form.

- 5.16 You should bear in mind that a participant is with you throughout the 104 weeks duration of the Work Programme. If there is a change of circumstances resulting in a change of labour market regime the claimant will remain with you, though the requirements imposed on the claimant will change to reflect the characteristics of the labour market regime. This includes whether their participation remains or becomes mandatory or voluntary.
- 5.17 Jobcentre Plus will usually notify you of a change in the participant's circumstances by emailing change of circumstances form UC78e to the designated inbox address you notified to DWP. However you may still receive some clerical notifications of change of circumstances.
- 5.18 On receipt of an email notification of participant change of circumstances from DWP you must:
- ensure that the participant has been referred to you or your sub-contractors.
  - if you have received a change of circumstances form for a participant who has not been referred to you or your sub-contractors, you must notify DWP of the error.
  - for clerical notifications, contact the issuing DWP staff member whose contact details will be in the email, and inform them of the error. Do not return the notification form to the JCP staff member, or forward it to any other part of your organisation or supply chain.
  - after notifying DWP of the error, destroy the notification.
  - You may receive email notifications which breach DWP security policy for emailing third parties. When this occurs, you must notify DWP of the error. This could be any of the following:
    - more than one customer record
    - a participants bank account details or
    - concerns a MAPPA or SCR customer.
  - If you are satisfied that the participant has been referred to you or your sub-contractors, accept the notification and:
  - Review the change of circumstances and consider the impact on your engagement/support with the participant.

**Consequence:**

Failure to review a change may result in you providing inappropriate support for participants and may result in inappropriate mandation and compliance doubt referrals. You may also miss out on outcome payments if you fail to record that a participant has started work.

- 5.19 The notification will be sent on an UC78e form from individual Jobcentre Plus email inbox addresses. The format of the JCP email addresses will be '**name@dwp.gsi.gov.uk**'

5.20 To mitigate the risk of transfer of information other than that permitted by DWP security, each email sent by Jobcentre Plus will adhere to the standard email protocols listed below.

- You will receive only one UC78e form per e mail
- The standard wording displayed in the email 'Subject Box will be:

**UC78e\_Work Programme\_CPA number\_participant surname\_last three digits of participants NINO**

For example:

**UC78e\_\_Work Programme\_CPA13\_Sample\_56\_C**

5.21 The standard wording displayed in email 'Narrative Box' will be the sender contact details.

5.22 The only email attachment will be the completed UC78e form

**Please Note:** All notifications for Special Customer Record (SCR) and Multi-Agency Public Protection Arrangements (MAPPA) participants will remain clerical notifications.

### **Contingency process**

5.23 There may be occasions when due to circumstances such as IT failure you are temporarily unable to receive change of circumstances via unencrypted email from JCP offices.

5.24 In these circumstances you must ensure that your District Third Party Provision Manager (TPPM) is kept informed of the situation and how long you anticipate it lasting.

5.25 The TPPM will inform JCP colleagues of the situation and they will temporarily suspend the use of unencrypted email.

5.26 If you anticipate the situation will continue for 48 hours or longer you must revert to the Change of Circumstances clerical contingency of receiving the UC78e through the post until the problem is resolved and you are able to use the unencrypted email again.

5.27 Your District TPPM should be kept updated and prior to you starting to use the contingency arrangements you must inform the TPPM when these arrangements will start. Also before you begin to use the unencrypted email process again you must notify the TPPM.

## Changes of Circumstance

5.28 A UC agent will notify you of the following change of circumstances using the UC78e form:

- Name
- Address
- Status (e.g. partner; single)
- Signing day/cycle
- Change in labour market regime which impacts participation in the Work Programme
- Claim terminated/benefit ends
- Appointee/Power of Attorney
- Caring responsibilities
- Sickness
- Admission to /discharge from hospital
- Moves to live abroad
- Partner enters/leaves household
- Participant starts/ends work (including part-time work; voluntary work; self-employment)
- Outcome of Self-Employment Gateway Interview and subsequent quarterly interviews (if appropriate)
- Part time education
- Death
- New claim to UC made by a claimant already participating in the Work Programme
- Participant is imprisoned/leaves prison
- Special Customer Record participants
- Incident on Jobcentre Plus premises
- Participant, or their partner, fails to accept a Claimant Commitment
- Changes which affect the participant's work-related requirements (e.g. Jury Service)
- Easements for victims of domestic violence
- Territorial Army/Reserve Forces

**Please Note:** this list is not exhaustive

## Change in Labour Market Regime

5.29 Where a participant has a change of circumstances resulting in a change of labour market regime the participant will remain with the Work Programme provider irrespective of the regime. The requirements imposed on the claimant will change to reflect the characteristics of the labour market regime. This includes whether their participation remains or becomes mandatory or voluntary and to reflect their capabilities and personal circumstances.

5.30 Outcome payments will be based on the payment group at the point of the initial referral. Further information on claimant groups can be found in [Chapter 2 - Work Programme Claimant Groups](#).

## **Caring Responsibilities**

- 5.31 There are various circumstances where a participant may become a carer. If there is a change to a participant's caring responsibilities, you must ask them to contact the UCSC.
- 5.32 UC will notify you of any changes to a participant's labour market regime and/or any restrictions the claimant's caring responsibility places on their work search/availability or work-related requirements.

## **Partner enters / leaves household**

- 5.33 UC will inform you if a partner enters or leaves the participant's household. As UC is calculated as a total household benefit, the partner's circumstances (i.e. they are working/ claiming a benefit) may change the participant's labour market regime and the work related requirements expected of them. Further information on claimant groups can be found in [Chapter 2 - Work Programme Claimant Groups](#).
- 5.34 If the partner is unemployed and would be eligible for the Work Programme at a later date, they will be referred to you in their relevant labour market regime as soon as they join the household and become a participant in their own right.
- 5.35 UC will refer them to you in the usual way as an individual, who you should work with as you would any participant. Further information can be found in [Chapter 4A - Accepting Referrals, Initial Participant Engagement, and Registering an Attachment](#).
- 5.36 If a partner enters the household of a participant who has changed address out of their original Contract Package Area, the partner will be referred to the original provider, not the one nearest to their current location.
- 5.37 It will be up to you to arrange appropriate support via yourselves and your supply chain partners to deliver the service requirement until the end of their 104 weeks allotted time.
- 5.38 You will be notified if a partner leaves the household. This may affect the conditionality of both participants, so you should receive a separate notification for each participant.
- 5.39 You should continue to work with each participant individually.

## **Participant moves to another geographical area**

- 5.40 If a participant changes address to one outside your Contract Package Area (CPA) they will remain your responsibility. It will be up to you to arrange appropriate support via yourselves and your strategic partners to deliver the service requirement until the end of their 104 weeks allotted time.



## Participant Reports Earnings

- 5.41 When a participant moves into work, their labour market regime will be determined by the level of their earnings. If they have a partner, their earnings may also affect their partner's conditionality.
- 5.42 Providers will be notified via the change of circumstances form and informed if the participant has changed labour market regime.

## Participant finishes work

- 5.43 Participants have a responsibility to notify Universal Credit if they stop work. UC will notify you if a participant finishes any work they are undertaking whilst participating with you. They should also tell you if this alters the participant's labour market regime and therefore the way in which they are expected to participate with you.
- 5.44 You will also be told if UC has imposed a sanction due to the way in which the job ended, as this may impact on the way in which the participant engages with you.

## Self-Employment

- 5.45 When a participant reports that they are self-employed, or a partner that is already self-employed joins an existing claim, a Jobcentre Plus Gateway Interview is needed to provide an assessment of whether the claimant and/or partner is in gainful self-employment for UC purposes. You should advise the claimant to telephone the UC Service Centre to arrange a Gateway Interview to disclose their self-employment.
- 5.46 Further information on the UC self-employment gateway interview can be found in [Annex A](#) of this chapter.
- 5.47 The JCP Work Coach will notify the outcome of the interview on form UC78e. If the participant is gainfully self-employed and a start-up period is appropriate, they should also include the start and end dates.
- 5.48 If the participant is treated as being gainfully self-employed, the JCP Work Coach will book a subsequent self-employed quarterly interview to take place at 3, 6 and 9 month stages. At the end of each quarterly interview (or at any other time when a change is reported), the JCP Work Coach will notify you if the claimant:
- Has ceased self-employment;
  - Is no longer gainfully self-employed;
  - Start-up period has come to an end;
  - Remains gainfully self-employed, but have not taken sufficient steps to increase their earnings during a start-up period. Where the start-up period ends, the participant's labour market regime will be amended to Working Enough regime if they would otherwise fall within the Intensive Work Search

regime and their participation becomes voluntary. Further information can be found in [Chapter 2 - Work Programme Claimant Groups](#).

5.49 The JCP Work Coach will inform you of any change to the participant's labour market regime and work search and work availability requirements.

5.50 Further information on can be found in [self-employment](#).

### **Holiday**

5.51 There is no holiday easement in Universal Credit. Claimants in the Intensive Work Search regime must continue to demonstrate that they are both searching for work and are available for work for the number of hours identified in their Claimant Commitment. the claimant must also continue engaging in other work related requirements including the Work Programme.

5.52 If a participant declares they are going on holiday, providers will be expected to continue to engage with them in the same way, disregarding any holiday. Compliance doubts, where applicable, should continue to be raised if participants do not fully engage.

### **Participant death**

5.53 Where UC becomes aware that the participant has died they will contact you immediately by telephone and also notify you in writing. Once you receive the written confirmation from Jobcentre Plus you should update PRaP to close the participant's record.

### **Participant / partner refuses to sign Claimant Commitment**

5.54 As part of entitlement to UC the claimant will have a Claimant Commitment specifying the work related requirements they must complete. In the case of a couple, each will have their own Claimant Commitment. UC is responsible for reviewing and updating the participant's Claimant Commitment to reflect any changes to the claim or their conditionality.

5.55 If the participant or, in the case of a household/joint claim, their partner refuses to sign the updated Claimant Commitment they will be given a 'cooling off' period of 5 working days. If, either the claimant or partner refuses to sign the Claimant Commitment, their claim to UC will be closed.

5.56 UC will notify you if the participant (or partner) refuses to sign the updated Claimant Commitment by completing and sending a UC78e.

5.57 If a claimant and/or partner refuse to sign an updated Claimant Commitment, they will still be attached to the provider. The provider will be notified of any further change in circumstances, such as reclaiming UC and accepting the Claimant Commitment, so they can re-engage with the participant.

### **Switching Off Work-Related Requirements and Tailored Conditionality**

- 5.58 There may be times when UC identifies a change in the participant's particular circumstances that means their work search and work availability requirements detailed on the Claimant Commitment should be temporarily switched off for a limited period of time. Conditionality can also be tailored to limit work-related requirements.
- 5.59 UC will verify if work related requirements must be switched off or limited to meet the participant's new circumstances. The JCP Work Coach will set new requirements on the Claimant Commitment and record the start and end date or review date (if applicable).
- 5.60 When work related requirements are switched off, the participant will stay in their original labour market regime. The aim is to avoid movement between regimes and allow DWP to easily reapply full conditionality when the circumstances return to normal.

**Please note:** Although work search and work availability requirements may be switched off, work preparation activities may continue to apply so the provider could continue to engage with the participant.

### **Switching Off Requirements**

5.61 UC Regulations specify the particular circumstances when work search and availability requirements must be switched off. JCP Work Coaches have the discretion to switch off/tailor other work-related requirements, as appropriate. This applies to claimants:

- with a self-certificate/medical evidence of illness of up to 14 days (see section 'Participant is sick');
- receiving or accompanying a child or qualifying young person, for whom they are responsible, for medical treatment, convalescence or care outside of Great Britain (for up to 6 months);
- bereaved following the death of their partner or a child or qualifying young person, for whom they are responsible, within the past 6 months;
- receiving and has been participating for no more than 6 months in a structured recovery orientated course for drug and/or alcohol dependency;
- in prison (detained in custody pending trial or sentence or on temporary release and they remain entitled to UC);
- attending court or a tribunal as a witness;
- on the witness protection programme for up to 3 months;
- engaged in a public duty (e.g. jury service, volunteer fire-fighter; lifeboat server, coastguard, councillor or Territorial Army reservist);
- who have recently been a victim of domestic violence or abuse;
- Supporting a child who needs additional care due to the effect of bereavement, violence or abuse (including domestic violence or abuse).

**Please note:** Under UC Regulations, claimants who are victims of domestic violence and abuse could have all work-related requirements switched off for a limited period.

## Action

- Where you consider that work related activity should be switched off (for example, if you become aware of a change of circumstances covered in the list above), you must refer the participant immediately to Jobcentre Plus for an assessment of their current circumstances.
- Where UC report that all work-related activity must be temporarily switched off, you will need to suspend engagement with the participant for the set period of time. The JCP Work Coach will notify you of the date when work related activity has been switched off on the UC78e form. You will need to suspend engagement with the participant from the start date of the easement. The easement period will count towards the participant's allotted time on the Work Programme. The JCP Work Coach will ensure that appropriate dates are set to review when the requirements can be switched back on. When the temporary period has ended, the JCP Work Coach will notify you about the re-instatement of work-related requirements on a UC78e so that you can re-engage with the participant.

5.62 For participants that need structured treatment for drug and/or alcohol dependency, the participant will be referred formally via Jobcentre Plus to the treatment provider. Jobcentre Plus will undertake a monthly check to monitor that they remain in treatment with the approved provider for up to 6 months.

## Tailored Conditionality

5.63 Conditionality can also be tailored, particularly when the participant has a temporary emergency or temporary responsibility. Therefore, JCP Work Coaches have the discretion to switch off work search/work availability requirements where it would be unreasonable for these to be imposed on a participant. Examples of this include:

- Temporary childcare responsibilities (e.g. where there is no appropriate childcare available during the school holidays and no other arrangements can be made or where the child is temporarily excluded from school);
- They are dealing with a domestic emergency;
- They are having to make funeral arrangements;
- Sickness that exceeds the first 14 days of sickness;
- They are undergoing any other temporary circumstance and it would be unreasonable to expect them to work search/be available for work.

5.64 JCP Work Coaches may decide that the participant should be subject to other work-related requirements. This may include work preparation requirements and/or work focused interview requirements, or limiting work search or work availability requirements. They will notify you of the nature of any limitations and expectations on participants. At all times, Jobcentre Plus needs to ensure that the requirements imposed on participants are reasonable given their capability and circumstance. Therefore, Jobcentre Plus has the discretion to limit work-related requirements. Jobcentre Plus will determine the limitations that need to be agreed with the participant.

This can include:

- reducing the time the claimant is expected to look for work
- reducing the time they are expected to travel to work
- reducing the hours or days they are available for work
- limiting the type of work the claimant is expected to look for work

5.65 Once the limitations have been determined the JCP Work Coach will create a new Claimant Commitment and notify you on the UC78e form.

5.66 Once the easement period has finished, Jobcentre Plus will notify you using another UC78e form, with updated requirements.

### **Work Availability Requirements**

5.67 Participants in the Intensive Work Search regime must be available and willing to start work and attend a job interview immediately. In certain circumstances participants may be given more time:

- Participants who need to arrange childcare (or other care arrangements) before taking up work or attending an interview will be given up to 48 hours to attend an interview and a period of one month to take up a job.
- Participants who are volunteers will be given up to 48 hours to attend an interview and one week to take up work.
- Claimants with a contract of employment will be given 48 hours to attend an interview and will not be required to be available until they have served their notice period.
- Participants who have a fit note from a doctor will not be required to take up a new job until their fit note expires.
- Participants who have recently left prison will not be required to take up work within the first seven days of release.
- In addition, work search and availability requirements must be limited to a work location which would take participants a maximum of 90 minutes to and from home in each direction.

## **Annex A - Overview of the Self Employment Gateway Interview**

A.01 When a participant who is claiming Universal Credit (UC), and is in the All Work Related Requirements group (Intensive Work Search regime), reports to UC that they are self-employed they will be required to attend a Gateway Interview with a JCP Work Coach to decide whether they are gainfully self-employed.

A.02 The participant will be required to bring a completed Self-Employed Declaration and as much evidence as possible of their self-employed business.

For example:

- their unique tax reference
- list of customers, suppliers, invoices and receipts
- previous tax returns
- previous declarations of income for tax credits
- business account bank details and statements
- trading accounts from the previous year
- name, address and telephone number of their accountant
- A diary of appointments, business meetings, etc.
- business plans and or marketing material

This list is not exhaustive and the participant does not need to provide all of them.

### **Gainfully Self-employed**

A.03 For UC purposes, to be gainfully self-employed the following criteria must be satisfied:

- Activity is carried out on a self-employed rather than an employed basis
- Self-employment is the claimant's main employment
- Self-employment is regular, organised, developed and carried out in expectation of profit

A.04 The JCP Work Coach will consider a person is probably self-employed if they meet some or all of the following:

- run their own business and take responsibility for its success or failure
- usually have several customers at the same time
- decide how, when and where they do their work
- can hire, at their expense, people to do the work for them or help them do it
- provide the main items of equipment needed to do their work
- whether the activity is undertaken for financial gain
- the number of hours spent each week on the work
- any business plan or steps taken to increase income from the activity
- how HM Revenue and Customs (HMRC) regard the activity
- how much work is in the pipeline
- whether the claimant is actively marketing or advertising for work

A.05 If the claimant's earnings are derived from employment under a contract of service, or in an office or other 'casual' paid work they are not self-employed.

A.06 At the end of the Gateway Interview, the JCP Work Coach will issue a decision letter to the claimant.

### **Start-Up period**

A.07 To support them while they grow their business, participants who have been assessed as Gainfully Self Employed may get a Start-Up Period during which they can continue to claim UC without any requirement to look for alternative work. A Start-Up Period will be available to self-employed claimants who:

- are gainfully self-employed for UC purposes
- haven't been undertaking the self-employed activity for more than 12 months before the start of the UC assessment period in which the Gateway Interview takes place
- haven't had a start-up period in the last 5 years
- are taking appropriate steps to increase their earnings with the aim of ultimately increasing earnings to the level of their conditionality earnings threshold

A.08 The Start-Up Period runs from the beginning of the UC assessment period in which the JCP Work Coach agrees the Start-Up Period is applicable and ends after one year unless the claimant fails to continue to satisfy the criteria.

A.09 During the start-up period the claimant must attend quarterly interviews with a JCP Work Coach in order to meet their conditionality requirements. At the interviews the claimant must show that they remain gainfully self-employed and that they have been taking steps to increase their earnings, with the ultimate aim of increasing earnings to the level of their individual conditionality earnings threshold.

A.10 The claimant will indicate the steps they plan to take at the Gateway Interview and subsequent quarterly interviews, and if the JCP Work Coach agrees they are appropriate they will be set out in their Claimant Commitment.

### **Minimum Income Floor**

A.11 The Minimum Income Floor (MIF) is applied to participants who are assessed as Gainfully Self Employed and would otherwise fall in the Intensive Work Search regime, where the Start-Up Period is not applicable.

A.12 The MIF is an assumed level of net earnings for a self-employed claimant that matches the work expectations of any other claimant with similar circumstances. The MIF is a monthly amount calculated on the basis of working up to a maximum of 35 hours per week and multiplied by the National Minimum Wage for their age group minus tax and National Insurance Contributions.

A.13 If the participant's actual earnings are below the MIF, their UC award will be calculated using the MIF. If declared earnings exceed the MIF, actual earnings will be used to calculate the UC award. Claimants who have the MIF applied are placed in the Working Enough regime



**Annex B – Change of Circumstances and Notifications form (UC78)**

[Change of Circumstances and Notifications form \(UC78\)](#)

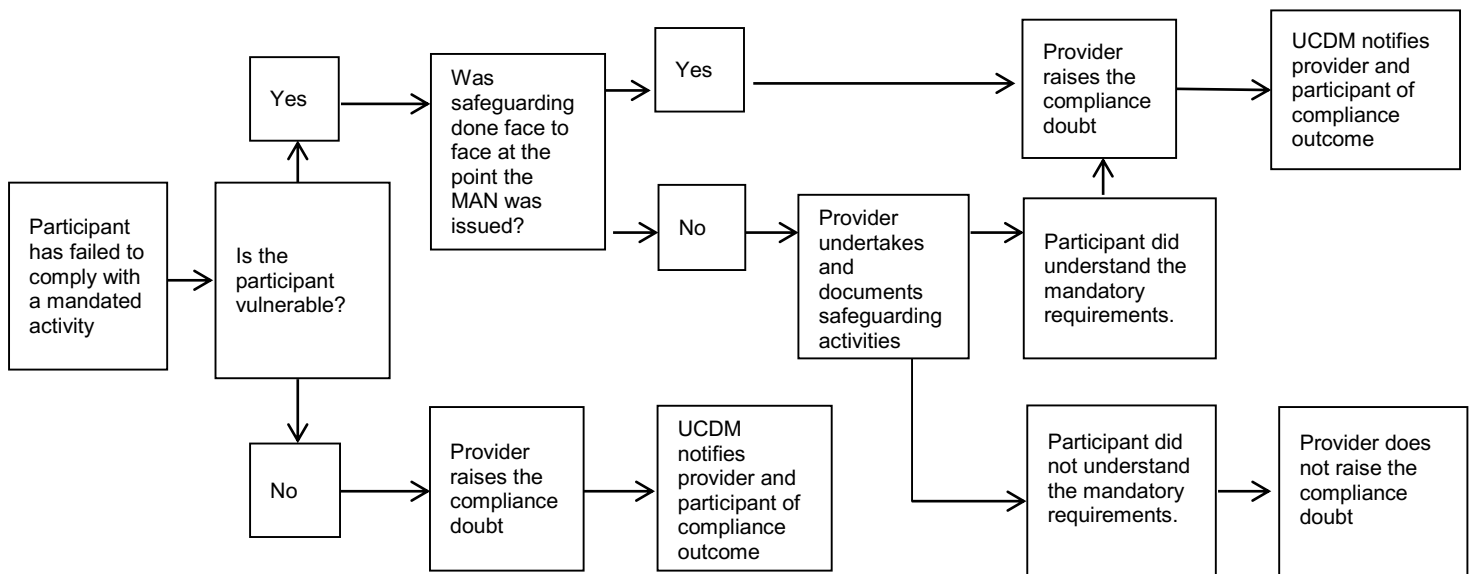
## Chapter 6: Raising a Compliance Doubt

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

6.01 This chapter covers:

- [High level Must Dos](#)
- [Raising a compliance doubt for low and higher level sanctions](#)
- [Universal Credit Decision Maker \(UCDM\) notifies you and the participant of the compliance doubt outcome](#)
- [Detailed background and further information](#)

### High Level Must Dos



### Raising a compliance doubt for low level and higher level sanctions

6.02 When you mandate a participant and they fail to comply, you must follow-up with the participant and raise the relevant compliance doubt referral form.

6.03 One compliance doubt referral form must be completed per participant for each mandatory requirement that they fail to comply with. The following forms must be used to raise a compliance doubt referral:

- **Low level sanction:** Form UC193 (Failure to Participate in the Work Programme) must be used where a participant has failed to comply with an activity or appointment notified to them on a MAN;
- **Higher level sanction:** Form UC191 (Provider Refusal of Employment Referral Form) must be used where a participant has failed to apply for or take up a paid employment opportunity notified to them on a MEN.

**Please note:** Information on medium level sanctions can be found in [Chapter 8 - Work Search and Availability Doubts](#)

6.04 The process and standards for submitting a compliance doubt referral form by e-mail or post is the same, irrespective of the sanction level.

### **Actions**

- Before raising a compliance doubt referral for vulnerable UC participants you must have ensured, by engaging face to face with the participant, that they have understood the requirements of the activity and possible consequences of non-compliance. Further information can be found in [Chapter 4B - Vulnerability and Safeguarding](#).
- Complete the relevant compliance doubt referral form and include any supporting evidence e.g. volunteered participant statement; relevant supporting information from the MAN/MEN.

**Please note:** All supporting evidence must be noted on the referral form; no additional documents should be included.

6.05 Prior to submitting the compliance doubt referral form UC193 you must ensure that the participant was notified of the relevant compliance condition at the time the MAN was issued. In the event of non-compliance this will ensure that they are aware of the action they must take to stop the open ended period of the sanction (low level sanctions only). You must continue to engage with the participant in line with your delivery model irrespective of the outcome.

### **Provider considers if the participant is vulnerable**

6.06 For all activities that the participant is mandated to do, you should always consider if they are reasonable for that participant and their particular circumstances and capabilities. Further information can be found in [Chapter 4B - Vulnerability and Safeguarding](#).

### **Completing and sending the compliance doubt referral form to the Universal Credit decision maker (UCDM)**

6.07 For every instance where a participant fails to participate in a mandated requirement, you are required to raise a separate compliance doubt referral form.

6.08 You should not wait to be notified of previous compliance doubt decisions before raising another compliance doubt referral. There is no limitation on the number you can send per participant.

6.09 It is important that the compliance doubt referral form is fully completed and sent as soon as possible, to ensure that there is a clear link between non-compliance with a mandatory requirement and the sanction that can be applied.

6.10 If the participant offers a reason for failing to take part, you should include this within the form. You should advise the participant that DWP will make the sanction decision and they may be asked by the UCDM to provide additional information. The UCDM will consider the reasons given and must make the good reason decision.

### **Actions**

6.11 To complete the compliance doubt referral form:

- Ensure all relevant information from the MAN or MEN is included: approved compliance condition (MAN only); supporting information e.g. volunteered participant statement; and background information - as appropriate.

**Please note:** a copy of the MAN/MEN or additional documents are **not** required by the UCDM. However, you must keep this for your records and must not destroy the original.

- If the participant is vulnerable, you must undertake safeguarding prior to raising a compliance doubt. If you have tried, but failed to see the participant face to face, explain in detail what actions you have taken (for example a timeline of methods of attempted contact, name of advocate or representative contacted etc.) to ensure the participant understood the requirements and consequences of non-compliance. Further information can be found in [Chapter 4B - Vulnerability and Safeguarding](#).
- Ensure that the e-mail standards are complied with. For information, see section 'Standard E-mail Content' below.
- E-mail the compliance doubt referral form to the Universal Credit Service Centre by using the correct designated e-mail address:  
[uclmdma.provider@dwp.gsi.gov.uk](mailto:uclmdma.provider@dwp.gsi.gov.uk)

**Please note:** If you are currently unable to use unencrypted email, referrals by post will need to be sent securely to the Mail Opening Unit at:

**Universal Credit  
Post Handling Site B  
Wolverhampton  
WV99 1AJ**

- Further information can be found in [Generic Provider Guidance, Chapter 8 – Information Security](#).

#### **Consequences:**

If you do not include all the relevant information on the compliance doubt referral form, it will result in the UCDM having to contact you for clarification, further delaying a sanction decision and causing more work for yourself and UCDM.

## Standard E-mail Content

6.12 Each e-mail sent by providers to the Universal Credit Service Centre must adhere to the standard e-mail protocols listed below to comply with DWP security requirements.

6.13 Each email must contain ONLY the following standard content:

- Standard wording to be displayed in email 'Subject Box'
  - Form title e.g. UC193 or UC191.
  - Participant's surname
  - NINO – only last 3 characters

E.g. UC193 Smith 40A

- Standard wording to be displayed in email 'Narrative Box'
  - Sender contact details
- Email attachment
  - One form per e-mail. It is a key requirement that each e-mail must never contain more than one form.

**Please note:** Providers must adhere to these standards.

6.14 Further information can be found in the section 'Sending the compliance doubt referral form by Unencrypted Email'.

## UCDM notifies you and the participant of the compliance doubt referral outcome

6.15 You will receive a copy of the outcome decision on form UC136 either by unencrypted email or by post (depending on the method you used when sending the form). This is irrespective of whether the participant has had a sanction imposed or not.

## Actions

- Continue to engage with the participant in line with your delivery model irrespective of the outcome.
- Record the outcome decision as this may be needed for evidence to support any future referrals.

## Detailed background and further information

### What is the relevance of Decision Making and Appeals (DMA) in the Work Programme

6.16 When a person takes part in the Work Programme, they are taking part in a scheme established by law as part of a work preparation requirement under section 16 of the Welfare Reform Act 2012.

6.17 For **every** instance where a participant does not meet a mandatory requirement set by you, you are required to raise a separate compliance doubt referral form.

### **Failure to Participate**

6.18 A participant could be deemed as not meeting the requirement set by you if they do not attend, or they attend and refuse to participate fully.

6.19 'Participation' can include attending interviews and appointments at an agreed time with the provider, as long as the participant is duly notified and fully understands the requirement and consequences of non-compliance.

### **DMA and good reason decision**

6.20 Good reason is not defined in law, but has been considered in case law. It includes facts which would probably have caused a reasonable person to act as the participant did. The UCDM will take account of all of the facts before coming to a decision.

6.21 Once a compliance doubt referral has been made the UCDM will ask the participant if they would like to explain why they failed to meet the mandatory requirement, this is called showing 'good reason'. This is even where you have recorded any reasons volunteered by the participant when referring a compliance doubt.

6.22 The UCDM will take into account all of the circumstances and evidence presented and will determine whether or not there was good reason.

6.23 The UCDM should also consider any previous history of the participant's failure to participate. This behaviour may be relevant as evidence of credibility of the evidence that has been presented to support good reason on this occasion.

6.24 It is therefore important that you also provide any information on the compliance doubt referral form that may provide additional background.

### **Good reason decision referral**

- 6.25 There is no time constraint for a participant to show good reason. The UCDM should consider what is reasonable in the individual's circumstances. This could mean setting a shorter time frame for the return of information, and in some cases a longer time frame if they know for example the participant is going to have to source evidence from a third party.
- 6.26 For example, a participant was issued with a request for good reason today. The UCDM is aware that the participant lives in a remote area where postal delays are well known and therefore the UCDM sets a reasonable 10 day time limit in respect of these circumstances. The participant still has not replied by the 10th day so the UCDM makes a decision to sanction on the basis that the participant has had a reasonable length of time to reply.
- 6.27 However, information which is received late by the UCDM, but merely serves to verify or clarify evidence which was received, can be taken into account.
- 6.28 If the participant volunteers any information relating to the compliance doubt after the referral form has been sent, you must communicate this to the UCDM. You should also encourage the claimant to contact the service centre with any additional information as this will ensure the UCDM has full information to make a decision.

**Please note:** There is no specific form/template for this process.

- 6.29 If you are using unencrypted email, any additional information (including the MAN or MEN) must not be communicated by unencrypted email. Any additional information must be communicated to the UCDM by letter or telephone.
- 6.30 Guidance for UCDMs explains that they should not routinely ask for a copy of the MAN/MEN in order to make a sanction decision; however that does not mean that they will never request a copy of the MAN/MEN.
- 6.31 If the participant raises the MAN/MEN as an issue in his 'good reasons', then the UCDM will require a copy of the MAN/MEN, for example; participant didn't receive it or the wrong information was on it or not enough detail to be able to complete the required activity. Also, if the participant is sanctioned and appeals the decision, the UCDM will require the MAN/MEN as evidence to support the appeal submission and this is the guidance that appeals officers are given.

### **Sanctions**

- 6.32 Sanction action can be taken by the UCDM against participants so that their Universal Credit may be reduced if, without good reason, they do not meet the mandatory requirement set by the provider. Further information about sanctions can be found in [Chapter 3A – Work Programme Mandation](#).
- 6.33 You are expected to continue to work with the participant. Should the participant subsequently fail to participate with a new mandated activity, you must raise a compliance doubt.

### **Re-arranging a mandated activity prior to activity date**

6.34 You do not need to complete a compliance doubt referral, if prior to the participant undertaking a mandated requirement, they contact you because they are not able to undertake the mandated activity/appointment. You can decide to re-arrange it. Further information can be found in [Chapter 3A – Work Programme Mandation](#).

### **Completing and sending the compliance doubt referral form**

6.35 When you have identified a compliance doubt you must complete the appropriate referral form.

6.36 Ensure that all relevant safeguarding action was taken. Further information can be found in [Chapter 4B - Safeguarding and Vulnerability](#).

6.37 Ensure that the correct email address for the return of the sanction decision is included in the form.

**Please note:** This must be the approved provider email address tested by DWP and not the individual adviser's email address.

6.38 The 'Provider Correspondence' address should be the postal address to which any queries or further correspondence should be sent by UCDMs.

6.39 The UCDM will make decisions in the date order the doubts are received. This could mean sanctions may be imposed immediately after one another. It is important that you:

- Avoid stockpiling referrals. This could cause delays between the participants' failure to comply as mandated and the UCDM receiving the referral for consideration. This will have a negative impact on UCDM resource. Referrals should be sent to UCDMs daily or as soon as possible after the failure to comply as mandated.
- Include the name and contact phone number of the adviser who completes the form, to allow the UCDM team to quickly contact them should the need arise.
- It is a key security requirement that only one form must be included in each email.
- No documents may be attached to the form; all relevant information must be noted on the form itself. A copy of the MAN, MEN or other documents is not required unless specifically requested by the UCDM.

6.40 These factors could individually/collectively contribute to delaying a sanction decision being made.

6.41 For further information regarding the use of unencrypted email please refer to [Generic Provider Guidance, Chapter 8 – Information Security](#).



- 6.42 It is important to note that the relevant information for the MAN or MEN should be transposed onto the form rather than the MAN or MEN itself being attached to the form. This is because the UCDM will work on the assumption the participant was correctly notified. It would be for the participant to prove that on the balance of probabilities they did not receive the MAN or MEN in order to show good reason.
- 6.43 For example: A participant is notified that he is required to participate in a Work Programme activity. They fail to participate and explain the reason for not attending their activity is because they thought that they would not gain the skills that they think they need. The UCDM considers whether this is good reason for them not participating. The UCDM need not consider the notification issue. It can be assumed they were correctly notified.

### **Special Customer Records and MAPPA**

- 6.44 If the participant is identified as a Special Customer Record (SCR) or they have Multi-Agency Public Protection Arrangements (MAPPA) status, the completion of the UC193 or UC191 form remains clerical (even if you use unencrypted emails). The process for raising a compliance doubt referral (or for requesting a review of a sanction decision via the UC194) will remain clerical for these participants.
- 6.45 Your Nominated Officer should complete the UC193 form or UC191 form, ensure that 'SCR participant' or 'MAPPA participant' is marked clearly and securely send it to the Mail Opening Unit. (The address can be found at the beginning of this chapter).
- 6.46 For further information regarding sending documents securely please refer to [Generic Provider Guidance, Chapter 8 – Information Security](#).
- 6.47 All information for these participants must be stored securely at all times.

### **Further information required by UCDM**

- 6.48 There may be occasions where the UCDM will need to clarify information that you have sent.

**Please note:** Any additional information requested by the UCDM must not be sent to them using the unencrypted email process.

### **UCDM notifies provider and participant of the outcome**

- 6.49 Where a decision on a doubt you have referred is made, you will receive a copy of that decision on form UC136. If you are using the unencrypted email process, you will be emailed a copy of that decision from the Service Centre to the designated in-box address you noted on the referral form. This must be an inbox e-mail address that has been tested by DWP.
- 6.50 When you have received the outcome decision notification, make a note against your participant records. The participant still has the opportunity to meet

the compliance condition (applicable to low level sanctions only) and you therefore need to be aware of any pending decisions or decisions made. Further information can be found in [Chapter 7 – Re-compliance and Reviewing a Sanction](#).

### **Decisions, Reconsiderations and Appeals**

- 6.51 Reconsiderations are a crucial part of the decision making and appeals process and are designed to put right an incorrect decision at the earliest opportunity. If the participant tells you they do not understand the reason for being sanctioned, you should advise them to request an explanation of the decision from Jobcentre Plus.
- 6.52 If following the explanation, the claimant does not agree with it, they can ask for it to be looked at again. In order to request a reconsideration, the participant should contact Jobcentre Plus within one month of the date on the letter. They should include within this request any additional evidence in support of the change of decision. Please note that a claimant can request a reconsideration without having had an explanation.
- 6.53 If the participant still believes the decision is wrong following the reconsideration, they have the right to appeal to an independent tribunal. The letter providing the outcome of the reconsideration will tell them how to do this. The appeal must be made within a month and made direct to HM Courts and Tribunal Service. If you receive a request from DWP to supply evidence of mandation you must ensure you supply this within the timescales requested.
- 6.54 You should advise the participant of the process and the timescales and direct them to the appropriate Jobcentre Plus office.

### **Hardship Provision**

- 6.55 If a participant is sanctioned then they can apply for a recoverable hardship payment from Jobcentre Plus to help them to meet their immediate and most basic needs. They will not be awarded a recoverable hardship payment until they have met all of their work related requirements.
- 6.56 If a participant asks about or requests information on Hardship provision you should direct them to their Jobcentre Plus office.
- 6.57 Hardship payments are calculated on a daily basis based on 60% of the amount of reduction. A payment is made to cover a maximum of one month, up to the point when the participant is next due to receive a payment. A participant must re-apply each month if they are still in hardship and a sanction (or combination of sanctions) extends over a number of assessment periods. The total amount they receive is recoverable once their UC award is no longer reduced by sanction.
- 6.58 A participant whose UC award is subject to a Higher, Medium or Low level sanction can apply for a Recoverable Hardship Payment if they meet all the following conditions:

- They, or their sanctioned partner, are aged 18 or over
- They have received a sanctioned payment (i.e. they cannot apply until they have actually received a reduced payment);
- They have met any compliance condition relating to an open-ended sanction relevant to them – which, for Work Programme participants, will usually mean they have re-engaged and done what was required of them on their MAN, the failure to do so being what led to them being sanctioned;
- They have submitted an application and accompanying information and evidence;
- They, or each member of a couple, accept payments are recoverable;
- They, or member of a couple, have undertaken all their work-related requirements in the 7 days before applying for payment;
- A UCDM is satisfied the participant, and any children/qualifying young person they are responsible for, is in hardship because they;
  - are unable to meet their immediate and basic essential needs in respect of accommodation, food, heating and hygiene costs only;
  - have made every reasonable effort to seek other sources of support to meet those needs; and
  - Have made reasonable effort to reduce non-essential expenditure.

6.59 This means a Recoverable Hardship Payment will only start from the point a participant can show they are actually in hardship or within a week if the participant is responsible for children.

**Annex A – UC193 Form – Failure to Participate in the Work Programme**

[UC 193 form](#)

[UC193 completion notes](#)

**Annex B – UC191 Form – Provider Refusal of Employment form**

[UC191 form](#)

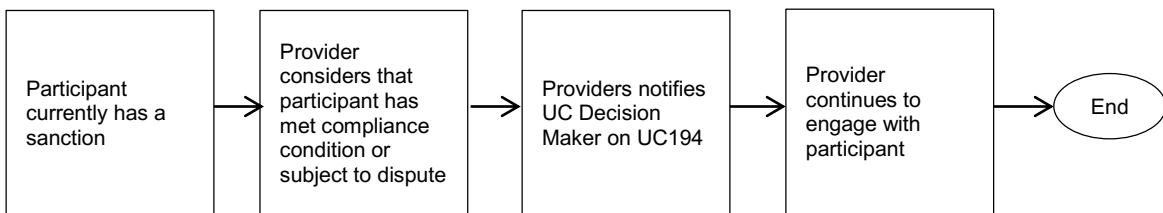
## Chapter 7: Re-compliance and Reviewing a Sanction

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

7.01 This chapter covers:

- [High level Must Dos](#)
- [Provider considers that the participant has met the compliance condition](#)
- [Provider notifies Universal Credit Decision Maker \(UCDM\)](#)
- [Detailed background and further information](#)

### High Level Must Dos



### Provider considers that the participant has met the compliance condition

7.02 If a participant has a low level sanction and they meet the DWP approved compliance condition, their open ended sanction period will end and a fixed term period will be imposed. Further information can be found in [Chapter 3A – Work Programme Mandation](#).

### Provider notifies Universal Credit Decision Maker (UCDM)

7.03 It is for you to decide if the participant has met the compliance condition. A participant can successfully re-comply by completing the required action you notified to them.

7.04 When you are satisfied that the participant has met their compliance condition you must complete form UC194 - Request to review a sanction for Universal Credit form (Annex A) and send it to the UCDM straightaway.

#### Please note:

- Where a participant fails to comply with a mandatory requirement and contacts you to rearrange the appointment or activity it may not be possible to accommodate them on the same day. In this scenario the appointment or activity must be rearranged for as soon as possible. Provided that the participant subsequently attends and fully participates in the rearranged appointment or activity, the re-compliance date will be the date before they contacted you asking to rearrange
- After sending the UC194, the provider will not be notified that the open ended element of the sanction has been stopped and that a fixed sanction period has been applied.

## Actions

- Decide whether the participant has either:
  - Agreed to undertake the mandated activity or an alternative one that you mandate them to undertake.
  - Undertaken the compliance condition (where this is different to the mandated activity).
  - Is no longer required to undertake the mandated activity at that time.
- Notify the UCDM by e-mailing form UC194 to the designated e-mail address: [Uclmdma.provider@dwp.gsi.gov.uk](mailto:Uclmdma.provider@dwp.gsi.gov.uk)
- Before sending the e-mail, ensure that the e-mail standards are complied with. See section 'Standard E-mail Content' below.

**Please note:** If you are currently unable to use unencrypted email, referrals by post will need to be sent securely to the Mail Opening Unit at:

**Universal Credit  
Post Handling Site B  
Wolverhampton  
WV99 1AJ**



- For further information regarding sending documents securely please refer to Generic Provider Guidance, Chapter 8 – Information Security.

### **Consequence:**

If you fail to notify the Universal Credit (UC) Service Centre promptly when a participant has met their compliance condition there will be a delay in the open-ended sanction being stopped.

## Standard E-mail Content

7.05 Each e-mail sent by providers to the Service Centre must adhere to the standard e-mail protocols listed below to comply with DWP security requirements.

7.06 Each email must contain ONLY the following standard content:

- a. Standard wording to be displayed in email 'Subject Box'
  - UC194
  - Participant's surname
  - NINO – only last 3 characters  
E.g. UC194 Smith 40A
- b. Standard wording to be displayed in email 'Narrative Box'
  - Sender contact details
- c. Email attachment

- One UC194 form

7.07 Each e-mail must never contain more than one UC194 form.

**Please note:** It is important that providers' adhere to these standards. Further information can be found in the section '[Sending the UC194 by Unencrypted Email](#)'.

## Detailed Background and Further information

### Sanction periods

7.08 Your internal systems need to be robust enough to enable you to identify participants who are currently sanctioned.

7.09 You will need to distinguish between UC (low level sanctions) and non-UC sanctions (Jobseekers Allowance & Employment and Support Allowance) to identify a sanction that can be reviewed.

**Please Note:** You can only request a review of a participant's low level UC sanction using the UC194 form, if you have raised the compliance doubt referral.

### Labour Market regime changes and changes to sanction periods

7.10 If a change to a participant's circumstances results in a change to their UC labour market regime then their participation requirements may also change. If they have a sanction in place, this may also be affected. It is therefore important that you are aware of changes in the participant's circumstances.

For example:

- If a UC participant has an outstanding balance of any sanctions incurred whilst on JSA or ESA this will transfer to UC with them, less any periods in between awards where they were not receiving JSA, ESA or UC.
- If a UC participant is subject to a low level sanction and their UC award ends (other than by reason of a couple forming or splitting), the open ended element of the sanction will stop building when the claim terminates and the fixed period will be applied.
- If a UC participant in the Intensive Work Search regime or Work Preparation regime moves into the No Work Related Requirements regime because of limited capability for work and work related activity then their sanction reduction rate will be reduced to nil. The open-ended part of any outstanding sanctions will end.

### Participant currently on a sanction

7.11 When a participant has met their compliance condition their open ended period of the sanction will stop and the appropriate fixed period will start. Further information can be found in [Chapter 3A – Work Programme Mandation](#).



7.12 The open ended element of the sanction can also be stopped by the UCDM if the participant moves into the 'No Work Related Requirements' group and is no longer required to undertake the mandated activity; or their UC award ends (other than by reason of a couple forming or splitting).

### **Participant has undertaken the agreed compliance condition**

7.13 It is your responsibility to decide whether the level of re-compliance by the participant satisfactorily meets the compliance condition. You will also need to decide the date from which you consider that the participant has fully complied.

7.14 If the participant only partially meets the compliance condition, you will need to work with them and clearly explain what else they need to do in order to be fully compliant. Alternatively, due to the particular circumstances of the activity or of the participant themselves, you may decide that partial completion is sufficient and request that the open period of the sanction be stopped.

7.15 If the participant contacts you, as they are unable to undertake the compliance condition, you can decide to agree a different compliance condition from the pre-approved list. If the participant complies with the revised compliance condition, the date of compliance is taken as the date that they contacted you.

7.16 If the compliance condition involves attending a meeting, compliance will normally be the date the participant attends the meeting. However, if you are unable to accommodate the participant on the day they make contact and you have to arrange the meeting for a subsequent date, the compliance date will be the date the participant makes contact- provided that they attend the subsequent meeting.

### **UC participant no longer required to undertake the mandated activity**

7.17 You may decide that you no longer require the participant to carry out the mandated activity (original or compliance condition). This situation may arise due to a change in the participant's circumstances, work goals or that it was a time bound activity (such as attending a specific job fair) and there are no alternative similar activities to undertake.

7.18 In this case the requirement to undertake the activity is removed. The UC194 must be completed and sent to the UCDM to remove the open period of the sanction.

### **Participant disputes not meeting compliance condition**

7.19 There may be instances when the participant considers that they have now fully met the compliance condition which you have set for them but you do not consider that they have.

7.20 In cases where meeting the compliance condition is disputed and you cannot reach agreement with the participant, you must immediately refer the matter to

the UCDM on form UC194 as appropriate so they can review the case and determine whether the participant has now fully complied.

7.21 You should tick the box 'I consider that the participant has not fully complied' as the reason for referral on form UC194. Enter the original date of sanction decision, dates of sanction and complete the fields in the 'Compliance disputed' section. You must then provide specific details of:

- What the participant was told to do and when
- What the participant did do or failed to do and when
- Why you consider the participant has failed to complete the activity
- Why the participant considers they have completed the activity
- To complete the last field, you will need to make a note of what the participant tells you.

### **Re-arranging a mandated activity prior to activity date – Should this be in 3**

7.22 You do not need to complete a UC193 'Fail to Participate' form, if prior to the participant undertaking the mandated activity, they contact you because they are not able to undertake the activity. You can decide to re-arrange the activity. Further information can be found in [Chapter 3A - Work Programme Mandation](#).

### **Provider notifies UCDM**

7.23 When you have made the decision that the participant has met their compliance condition you must complete form UC194.

7.24 The UC194 needs to be sent straightaway to the Service Centre. Delays in this process will mean delays to the decision making process.

**Please note:** If you are using unencrypted email any additional information **must not** be communicated by unencrypted email. Any additional information must be communicated by letter using the postal address mentioned in this chapter. (See above).

7.25 If the participant re-complies prior to the UCDM making a decision on the original mandatory activity (via the UC193), complete form UC194 and send it to the Service Centre straightaway.

### **Completing Form UC194**

7.26 To ensure that the participant suffers no undue loss of Universal Credit, the UC194 should be completed and sent to the UC Service Centre straightaway after you have decided that they have met their compliance condition. On the form, you must:

- Indicate the reason for requesting a review by selecting the appropriate reason(s).
- Complete the date the participant failed to undertake the original mandatory activity.

- Determine the date of compliance and this date should be entered in the appropriate field.


**Please note:** if you have ticked the box 'it is no longer appropriate for the participant to undertake that activity', you should not complete the date of compliance.

- Enter the date that the sanction decision was made and the date of the sanction period. (You will find this on the original sanction decision notification, UC136, sent to you). This will enable the UCDM to identify the correct sanction to review.

7.27 The UCDM will accept your decision that the participant has met their compliance condition and will set the start and end dates for the fixed period part of the sanction.

### **Sending the UC194 Form by Unencrypted Email**

7.28 Ensure:

- The completed UC194 form is sent to the correct designated  [e-mail address](#):
- Each email must never contain more than one UC194 form.
- No other information may be transmitted to the UC Service Centre by unencrypted email.
- The UC194 form is sent from an inbox that was tested by DWP. **Do not** use a personal e-mail address.
- The 'Provider Address' field should contain the postal address to which any queries or further correspondence should be sent by Decision Makers.

### **Special Customer Records and MAPPA**

7.29 If the participant is identified as a Special Customer Record (SCR) or they have Multi-Agency Public Protection Arrangements (MAPPA) status, the completion of the UC194 form remains clerical (even if you use unencrypted emails). These participants must not have their details held on any electronic systems. The process for requesting a review of a sanction decision (or for raising a compliance doubt via the UC193 or UC191 form) will remain clerical for these participants.

7.30 Your Nominated Officer should complete the UC194, clearly marked 'SCR participant' and sent it securely to the Mail Opening Unit. (The address can be found at the beginning of this chapter).

7.31 Further information can be found in [Generic Provider Guidance Chapter 8 – Information Security](#).

7.32 All information for these participants must be stored securely at all times.

### **Decisions, Reconsiderations and Appeals**

7.33 Further information can be found in [Chapter 6 - Raising a Compliance Doubt](#).

## **Annex A: UC194 Form – Request to review a sanction for Universal Credit**

[UC194 Form](#)



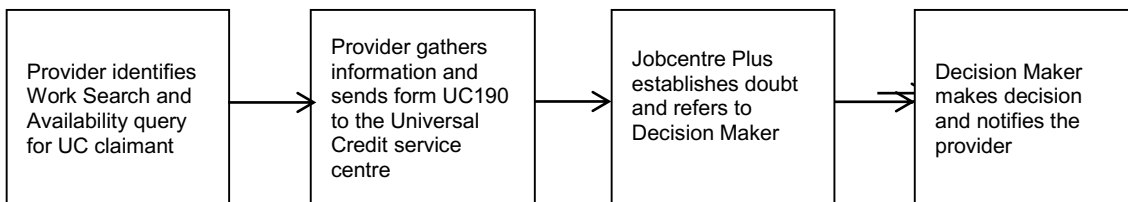
## Chapter 8: Work Search and Work Availability Doubts

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

8.01 This chapter covers:

- [High Level Must Dos](#)
- [Provider identifies a work search and/or work availability doubt for participant](#)
- [Provider refers the doubt and sends to Universal Credit service centre](#)
- [Universal Credit Decision Maker \(UCDM\) makes decision and notifies the Provider](#)
- [Detailed background and further information](#)

### High Level Must Dos



### **Provider identifies a work search and/or work availability doubt for participant**

8.02 If you have doubts regarding the work search and/or work availability of a participant in the Intensive Work Search regime you are required to refer it to the Universal Credit service centre (UCSC) for a decision.

8.03 Medium level sanctions will apply to the following work search and/or work availability doubts. This is where participants fail without good reason to:

- undertake all reasonable action to obtain paid work, more paid work or better paid work
- or**
- be able and willing to immediately take up paid work, more paid work or better paid work.

8.04 The sanction for failure to meet these requirements is 28 days for a first failure which rises to 91 days for any subsequent failure within 365 days of the previous failure.

### **Please Note:**

- Where 2 medium level failures occur within 14 days of each other the period of the sanction will not escalate.
- For medium level compliance doubts you only need to notify the Universal Credit Service Centre via form UC190. UC will investigate the doubt and initiate any DMA action as required.

8.05 Information on low and higher level sanctions can be found in [Chapter 3A - Work Programme Mandation](#).

#### **Actions**

- Decide whether there is a doubt regarding a participant's work search activity or availability for work.

#### **Provider gathers information and sends to Universal Credit service centre (UCSC)**

8.06 When you have made the decision to raise a doubt about work search and/or availability, you must complete form UC190 'Work Search and Work Availability Doubt' ([Annex A](#)). The UCSC will arrange for the participant's situation to be discussed with Jobcentre Plus.

#### **Actions**

- Complete form UC190 and send it securely to the UCSC. Further information can be found in [Generic Provider Guidance Chapter 8 - Information Security](#) and [Chapter 6- Raising a Compliance Doubt](#) (within this guidance).

#### **UCDM makes decision and notifies the Provider**

8.07 Form UC136 will be completed and sent to inform you of the outcome of the referral.

#### **Actions**

- Continue to engage with the participant in line with your delivery model.

#### **Detailed background and further information**

8.08 During Work Search Reviews the Jobcentre Plus Work Coach establishes the type, location, hours and pattern of work a participant is expected to look for and be available for as set out in their Claimant Commitment. Participants are encouraged to voluntarily share their Claimant Commitment with their provider, but where they decline to do so no further action should be taken. Further information can be found in [Chapter 3B - Work Programme Action Planning](#).

8.09 Participants in the Intensive Work Search regime are generally expected to be available for full-time work (35 hours per week) and undertake all reasonable work related activities. Participants may be required to undertake up to 35 hours per week work-related activity (work search and preparation), subject to any restrictions agreed with their Jobcentre Plus Work Coach.

8.10 Participants must understand that:

- their goal will be to get paid work, more paid work or better paid work as quickly as possible

- they should undertake work search and work preparation activity for 35 hours per week, or the same number of hours they would normally be available for work if this is lower
- the work search and work preparation activities must give them the best prospects of finding work quickly
- full-time work must comply with the European Working Time Directive, which is up to 48 hours per week
- If, without good reason, they have not carried out their work related requirements, they will be sanctioned.

## Availability

8.11 Jobcentre Plus Work Coaches will gather all the relevant information regarding the participant's circumstances, to determine the number of hours the participant is required to be available for work. You will be notified of any limitations on availability via the UCPR1 (Additional Information for PRaP Referral) form or through a change of circumstances form (UC78e).

## Availability to start work and attend a job interview

8.12 Participants in the Intensive Work Search regime must be available and willing to start work and attend a job interview immediately. In certain circumstances more time may be given to:

- participants who need to arrange childcare (or other care arrangements) before taking up work or attending an interview will be given up to 48 hours to attend an interview and a period of one month to take up a job
- participants who are volunteers will be given up to 48 hours to attend an interview and one week to take up work
- participants with a contract of employment will be given 48 hours to attend an interview and will not be required to be available until they have served their notice period
- in addition, work search and availability requirements must be limited to a work location which would take participants a maximum of 90 minutes to and from home in each direction.

## Work Search Activity

8.13 The agreed work search requirements should be the most effective activities which, when undertaken, give the participant the best possible chance of getting paid work or more paid work or better paid work quickly.

8.14 Work search requirements will differ for each participant, based on their job requirement(s) and circumstances and may include, for example:

- Using Find a job
- Registering with and using other job search websites
- Carrying out other activities to look for work
- Making applications
- Registering with an employment agency

- Seeking references

(This list is not exhaustive).

- 8.15 A participant will have met a work search requirement to take all reasonable action for the purpose of obtaining paid work if the time they have spent looking for work is at least their expected number of hours (less any time spent working, participating in work preparation requirements or doing voluntary work or voluntary work preparation.)
- 8.16 If the participant does not look for work for their expected number of hours, Jobcentre Plus will consider whether they have done all that can be reasonably expected of them.

### **Work Search and Work Availability Doubt reason**

- 8.17 If you are unsure whether a participant is satisfying their work search and/or work availability requirements, and you have reason to suspect not, you should raise a doubt. For example, the participant:

- is not available within appropriate time limits e.g. the participant is not able to start work immediately (unless suitable circumstances dictate otherwise)
- has limited the number of hours they are prepared to work over and above any restrictions agreed with and notified to you by Jobcentre Plus
- is placing restrictions on the nature of, location or terms and conditions of employment they are prepared to accept e.g. the participant requires work which is not obtainable in the location they are seeking to be employed
- restricts the types of job that they are seeking over and above any restrictions agreed with Jobcentre Plus
- is not undertaking all reasonable action to obtain paid work, more paid work or better paid work.

### **Special Customer Records (SCR) and Multi Agency Public Protection Arrangements (MAPPA)**

- 8.18 If the participant is identified as having SCR status, the completion of the UC190 form remains clerical (even if you use unencrypted emails). These participants must not have their details held on any electronic systems. The process for raising a compliance doubt and requesting a review of a sanction will remain clerical for any participants with SCR and/or MAPPA status.
- 8.19 Your Nominated Officer should complete the UC190, clearly marked 'SCR participant' and send it securely to the Mail Opening Unit. The address is:

**Universal Credit  
Post Handling Site B  
Wolverhampton  
WV99 1AJ**

Further detail can be found in [Chapter 6 – Raising a Compliance Doubts](#).



8.20 Further information can be found in [Generic Provider Guidance Chapter 8 – Information Security](#).

8.21 All information for these participants must be stored securely at all times.

### **Jobcentre Plus work search and availability information request**

8.22 Jobcentre Plus may contact you about a potential query they have identified or with regards to a doubt you have raised.

8.23 They will want clarification on the activities or participation of the participant. You will be expected to respond to any questions asked as soon as possible to prevent unnecessary loss of UC payments to the participant.

### **UCDM makes decision and notifies the Provider**

8.24 Where a participant is sanctioned for failing to satisfy their work search and/or work availability requirements, they will be required to continue to participate with you for the duration of their time on the Work Programme.

8.25 If you raised the original doubt, you will be notified of the ~~out~~ outcome decision on form UC136.

**Please Note:** A Mandatory Activity Notification is not appropriate for medium level sanctions.

## **Annex A – UC190 Form - Work Search and Work Availability Doubt**

[UC190 Form](#)



## Chapter 9: Work Programme evidencing/validating payments

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

9.01 This chapter covers:

- [Introduction](#)
- [High Level Provider Requirements](#)
- [Before Submitting a Job Outcome Claim](#)
- [Claimant Consent](#)
- [Job Outcome Validation process](#)
- [Pre-payment Validation](#)
- [Pre-payment Validation for Job Outcome claims with a UC interest](#)
- [Post-payment Validation](#)
- [Review Process](#)
- [Extrapolation](#)
- [Invoicing Arrangements](#)
- [Irregularities/Potential Fraud](#)
- [Special Customer Records](#)
- [Annex 1: Request to Review Template](#)
- [Annex 2: Fair Processing Notice](#)
- [Annex 3: Clerical Outcome forms for Special Customer Records](#)

### Introduction

**This chapter covers the payment and validation of Job Outcomes.**

9.02 The information detailed in the following paragraphs needs to be read in conjunction with [Chapter 14 – Standard Definitions for the Work Programme](#) and [Generic Provider Guidance Chapter 5 Evidencing/Validating Payments – Job outcomes and Sustained Job Outcomes](#).

### High Level Provider Requirements

9.03 You are required to satisfy yourselves that you only submit accurate claims for payments that you are entitled to. DWP will utilise its own systems to satisfy itself that the claims are valid, this involves an off-benefit check (in all cases) prior to payment being made, followed by sample post-payment validation to confirm that individuals have been in employment for the required period, as detailed in the definition for the outcome claimed.

9.04 You are required to maintain a robust system of internal control which must include appropriate checks, monitoring arrangements and adequate records to demonstrate that you are entitled to make the claim.

9.05 You must keep information to support your claims and submit it to DWP when requested and as part of the claim process. This can include information about the individual, their employer and details of the job(s) held.

9.06 You must make available for testing by DWP and other external bodies the information kept to support your claim.

### **Before Submitting a Job Outcome**

9.07 Before submitting a claim for a Job Outcome, you must satisfy yourself that you are entitled to do so; you will be expected to make a declaration to this effect on submission of the claim.

9.08 Your systems need to show the tracking of individuals and employment details that meet the outcome definition as specified in [Chapter 14 – Standard Definitions for the Work Programme](#).

9.09 You are required to maintain a robust system of internal control which must include appropriate checks, monitoring arrangements and adequate records to demonstrate that you are entitled to make the claim. The records maintained need to be sufficient not only to support a claim for the outcome, but also to allow internal management checks, scrutiny from other external bodies and DWP validation checks. The records maintained should document how and when the employment information was obtained.

9.10 The Provider Assurance Team will also review your systems to ensure that they are effective and manage risk to DWP expenditure and data (see [Generic Guidance Chapter 6 - Provider Assurance](#) for more information).

9.11 DWP does not prescribe the way in which you should track individuals or record information about their employment. There is however specific information that you are required to input to the Provider Referral and Payment System (PRaP) when you submit the claim. This is:

- whether the individual's job is in employment or self-employment;
- employer contact details including the address, employer contact name, full and working business telephone number and e-mail address;
- the individual's contact details including a working telephone number;
- job title(s);
- job start date(s) (Date 1 in PRaP);
- the date the Job Outcome qualified for a claim (Date 2 in PRaP);
- date period has met the outcome definition;
- the number of hours worked each week;
- the working/shift pattern;
- an employee identifier such as works or payroll number.

**Please Note:** The free text field for the work pattern should also be used to notify DWP of information that will assist the validation of claims e.g. where an individual is an apprentice, has increased their part-time hours, started a period of maternity leave, or where you have a different contact number than that downloaded from WSP.

9.12 This information must be provided for every job the individual has held in the claim period. Failure to provide all or part of this information may result in payment being recovered and extrapolated if DWP invalidates the outcome as a result.

9.13 If the programme is match funded, all information relating to claims you have submitted along with the requirements as described in paragraph 10 must be kept as part of the ESF document retention requirement. Please refer to [Generic Provider Guidance Chapter 11 – ESF Requirements](#).

## **Claimant Consent**

### **Written and Informed Consent via Designation Order**

9.14 Providers will need to present all new participants and those participants who have previously not provided/withdrawn consent (prior to or at the point of a claim being made) with a Fair Processing Notice explaining the Departmental position in respect of consent to contact an individual's employer. See [Annex 2](#).

9.15 The designation order in place allows the Department and Providers to contact the customer's employer directly to validate employment details for the employee without requiring the consent from customers.

9.16 There is no longer a requirement for you to have customer consent to contact a customer's employer in connection with you gathering evidence to support Job or Sustained Job Outcomes.

9.17 You may also share this information with the Department for Work and Pensions.

## **Job Outcome**

9.18 DWP will validate Job Outcomes by conducting a series of pre and post payment checks. The checks include a pre-payment off-benefit check (OBC) on 100% of all claims submitted, and a post-payment check for a sample of claims to ensure that the individual has been in work for the required period of time and it is in line with the outcome definition.

9.19 Job Outcomes and Sustained Job Outcome claims that include a period where the customer has claimed Universal Credit (UC) are submitted in PRaP as now, along with the detail of all jobs that relate to the entire Job Outcome claim period.

9.20 As part of the post-payment validation process, if DWP identifies an invalid claim, the error rate found in the sample of claims selected will be extrapolated across the total of all payments made in the same period and DWP will recover monies at that rate.

## **Pre-payment Validation**

9.21 Every Job Outcome is subject to an OBC before being released for payment. This automated check is via an interface with PRaP and the Customer Information System (CIS), the departmental system that holds benefit history details.

9.22 The check is to determine whether the required 182 day period off-benefit has been identified between the job start date (Date 1 in PRaP) and the outcome qualifying date (Date 2 in PRaP) against the following benefits:

- Jobseekers Allowance (JSA);
- Income Support (IS);
- Employment Support Allowance (ESA);
- Incapacity Benefit (IB) and
- Universal Credit (UC)

9.23 The OBC is also being used to filter Job Outcome claims where there are periods of UC claimed within the outcome claim period. See paragraphs 31 to 40 for pre-payment validation of these claims.

9.24 The PRaP system OBC is 'flexed' by 15 days to allow for minor date mismatches. This effectively increases the period the automated check looks for the required number of days off-benefit, either side of the dates you have supplied in the claim submitted in PRaP, to a maximum of 15 days.

9.25 If the claim fails the OBC, i.e. the required period off-benefit has not been identified the claim will fail pre-payment validation, will not be paid and will be removed (backed-out) from the PRaP system.

9.26 Where you have established that an individual has illegitimately stayed on benefit by more than 15 days, you are still able to submit a claim for an outcome on PRaP, by adding the period of overstay to the qualifying date in your claim (Date 2 in PRaP). As long as the claim also satisfies the in-work criteria, and therefore meets the outcome definition of being both in work and off-benefit for the required period during the claim period, it will be considered valid.

9.27 As with any instance where you have identified potential fraud, you are required to inform Jobcentre Plus. Information on how to make these referrals can be found [online](#). You are also required to keep a record of this activity on your internal systems.

- 9.28 If a claim fails pre-payment validation and is backed-out of PRaP, it will become available for you to resubmit 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 claim and the information supplied with it
- 9.29 DWP will keep management information about claims that are rejected and this will be used to inform other activities that may take place, for instance, claims that constantly fail validation could indicate a weakness in providers' systems and feedback of this nature may therefore inform Provider Assurance Team activities (see [Generic Provider Guidance Chapter 6 - Provider Assurance](#) for more information).

### **Pre-payment Validation for Job Outcome with a UC Interest**

- 9.30 Providers are required to identify Job Outcome claims by inserting the prefix 'Uni Cred' in the Employer Name field of the Employment Details screen on PRaP.
- 9.31 Where Job Outcome claims include a period of UC, they will fail the automated OBC and be placed on-hold. PPVT will conduct a proxy OBC for all claims showing a UC interest before being released for payment.
- 9.32 PPVT will request earnings data from Real Time Information (RTI) for jobs where UC is in payment to establish whether the earnings threshold has been met in the relevant UC Assessment Periods. Where there is no record of earnings on RTI, PPVT will use the Self-Reported Earnings (SRE) that have been declared.
- 9.33 Using RTI/SRE data, PPVT will determine whether the net earnings threshold of £338 (for people aged 25 and over) or £272 (for people aged under 25; and apprentices) has been met. For claimants who reach their 25<sup>th</sup> birthday at any point during the Job Outcome or Sustained Job Outcome claim, the upper threshold will apply to the full months following the month of their birthday. Net earnings are calculated by subtracting Tax, National Insurance (employee's contributions only) and Pension contributions (employee's contributions only) from the gross earnings.

**Please Note:** Where the participant is an apprentice, you will need to notify DWP by populating the "Working Pattern/Shift Pattern" field in PRaP with "Apprentice Rate".

- 9.34 PPVT will undertake a proxy off benefit check by adding the number of days off benefit (for legacy benefit part) to the number of days (for Universal Credit part) where the UC earnings threshold has been met to identify whether 182 days has been met. Where this has not been identified, the Job Outcome claim will fail validation and be backed-out of PRaP. No further action is taken.
- 9.35 Where claims pass the proxy OBC, they will be available for selection for the sample post payment check.

- 9.36 PPVT will validate self-employed Job Outcomes by determining whether the claimant had been deemed gainfully self-employed following their self-employment Gateway Interview, and that they have entered the UC earnings grace period. The job start date will be counted from the date of the Gateway Interview. The self-employment will be considered to have ended if a follow-up Gateway Interview confirms the claimant has left the UC earnings grace period.
- 9.37 If a Job Outcome claim fails pre-payment validation and is backed-out of PRaP, it will become available for you to resubmit 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 claim and the information supplied with it

## **Post-payment Validation**

- 9.38 DWP's post-payment validation is to provide assurance that individuals are not only off-benefit, but also in work. Post-payment validation is conducted quarterly across a sample of 99 claims that have passed the OBC and been paid in the previous three months.
- 9.39 Every month DWP randomly selects a sample of 33 claims per contract that have passed the OBC been paid in the previous month. If the total claims paid are less than 33 for a particular contract in any month, all claims will be selected. The random sampling ensures that the claims selected are representative of the population of claims from which it is drawn. Sampling this amount guards against isolated errors leading to DWP significantly over or under-estimating the amount overpaid.
- 9.40 Job Outcome claims that include periods of UC being claimed, and the earnings are sufficient enough to remove the claimant from benefit, will pass the OBC. These claims will be available for selection in the post-payment sample
- 9.41 The post-payment sample each month is drawn on the first working day of the following month. Following this exercise, PPVT will not accept requests to back-out claims that appear in the sample.
- 9.42 The Provider reports available through i-supplier are not available to view until the sample has been uploaded to PRaP a few days after it has been drawn. You will need to note that PPVT1's will be rejected if received after the sample has been drawn if the claim has been selected for post-payment validation.
- 9.43 You will be able to access the details of claims selected in the sample by using the reporting functionality in i-supplier for post-payment. DWP will not accept any requests from providers to back-out claims from PRaP once the sample has been selected.
- 9.44 The sample is matched against HMRC data. This automated process is checking for tax records against the individuals for the required period. If a



record confirms that someone was in employment for the required period, then the claim is deemed valid.

9.45 Any claims that fail this check (i.e. do not have tax records for the required period) will then be subject to further validation by PPVT. PPVT will contact the employer (and/or the individual) using the information supplied by you at the point of submitting the claim, to check the individual has been in work for the required period (26 weeks) looking back from the qualifying date (date 2 in PRaP). PPVT will, where it had not been possible to make contact with the employer; or the individual is self-employed, contact the individual in the attempt to validate an outcome claim.

9.46 There are four possible validation results; pass, fail, technical fail or unable to validate:

- **Pass:** An employer or the individual confirms the employment details, no further action is taken;
- **Fail:** An employer or the individual supplies information which means the condition for payment, as set out in the outcome definition, has not been met. The individual payment is recovered and the claim is recorded as an error;
- **Technical fail:** An employer or the individual confirms that there is a valid job outcome however the employer details recorded in PRaP differs. The individual payment is recovered however the claim is not recorded as an error;
- **Unable to validate:** PPVT has either not been able to contact the employer or individual, or they are unable/unwilling to provide the information required to validate the outcome. No further action is taken.

9.47 In cases where PPVT is experiencing difficulty making contact with the employer and/or individual, 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 PPVT within the specified timescale. If you do not provide the detail that enables PPVT an attempt at validation, the claim will fail validation.

9.48 You are required to establish the correct information (specifically a working telephone number) and supply PPVT within 5 working days. If you do not provide the required information, the claim will fail validation.

9.49 Providers must not remove job details from the mandatory fields in PRaP at any time. Should you identify an invalid claim, you can request for it to be removed from PRaP. PPVT will, at post-payment validation, fail claims where the job details have been removed.

9.50 PPVT will keep management information about claims that have been submitted inaccurately and/or incomplete, and claims that they have been

unable to validate. This will be used to inform other activities that may take place, for instance, consistently submitting poor quality claims could indicate a weakness in providers' systems and feedback of this nature may therefore inform Provider Assurance Team activities (see [Generic Provider Guidance Chapter 6 - Provider Assurance](#) for more information).

- 9.51 Claims that PPVT has genuinely not been able to validate, are not classed as a fail and will therefore not be recovered or contribute to the error rate when used to calculate the monies to be extrapolated.
- 9.52 Where a claim, during validation, has resulted in a technical fail, the individual payment is recovered and the claim is backed-out of PRaP. PPVT will notify you by e-mail of the correct employer. You are entitled to resubmit the claim once you have satisfied yourself that the claim is valid.
- 9.53 If a claim has failed validation and been removed from PRaP, it will become available for you to resubmit 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 claim and the information supplied with it.
- 9.54 Where the Job Outcome claim includes periods of UC, PPVT will validate all claims at the pre-payment stage and these claims are therefore not subject to post-payment validation and extrapolation. For outcomes where the claimant has left UC altogether throughout the Job Outcome claim period, post-payment validation will be undertaken as now i.e. the claims will be included in the total population for post-payment sampling and validated in the same way. Claims that fail validation will contribute to the error rate.

## Review Process

- 9.55 Following the completion of the post-payment validation exercise, each quarter you will receive a report detailing the claims that have failed validation. This report will also give you the information that informed the validation decision.
- 9.56 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. If you subsequently establish some additional information that will allow the Review Team to have another attempt at validation, you may request that DWP revisit the case.
- 9.57 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 an employer or individual, another attempt to validate the outcome will be made.
- 9.58 Each case will be different and the information provided by you in support of your request will vary. For that reason it is not possible to provide a list of every circumstance where you will make a request. It could be that you subsequently

## Work Programme: Universal Credit Claimant Provider Guidance

establish there is a different contact for the employer or that you have obtained additional evidence from the employer that allows the Review Team to follow up an additional line of enquiry.

- 9.59 Any decision to overturn the original result needs to stand up to scrutiny by DWP Internal Audit and the National Audit Office. It is not sufficient to say that you have contacted the same employer or individual again and been told something different.
- 9.60 Where the original validation result failed because PPVT had been given information from an employer that positively invalidates a claim, it is not acceptable for the Review Team to attempt to revalidate the claim with the individual.
- 9.61 Where you have established some extra information that will allow the Review Team to make additional enquires in the attempt to illicit a positive validation result, you are required to submit a Request to Review template (See [Annex 1](#)) detailing all relevant and appropriate information. To satisfy our internal audit control, all requests for review must be recorded on the template, you can however enter more than one case on the same form. You may also attach physical evidence; however this will only be used in an attempt to revalidate the job, and will not be accepted in its own right.
- 9.62 If you identify that a claim has failed initial post-payment validation because the contact information you submitted in PRaP is inaccurate, or you have identified an additional job, you are required to update PRaP with these details. This will avoid outcomes that subsequently pass validation during the review process, being treated as technical fail and will reduce the amount of backing-out and reclaiming action.
- 9.63 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.
- 9.64 All requests for review, together with any supporting information or evidence, must be received within 10 working days of the validation failure report being sent. Late requests will not be accepted and will be returned to the provider.
- 9.65 If no formal request has been received by the Review Team by close of business on the 10<sup>th</sup> working day, an Extrapolation Report and invoice (if applicable) will be raised.
- 9.66 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 scrutiny to 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.

- 9.67 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.
- 9.68 All claims that remain as failed validation will be backed-out of PRaP. A new job may become available for you to resubmit 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 claim and the information supplied with it.

### **Irregularities/Potential Fraud**

- 9.69 You have a responsibility to minimise the risk of fraud within the programmes delivered. Funding should be safeguarded against fraud and serious irregularity on the part of directors, employees or subcontractors. Such abuse would include false or misleading claims for payments, whether designed to gain immediate financial advantage or overstate performance.
- 9.70 Deliberate and/or persistent non-compliance with prescribed standards of delivery would also be subject to investigation if a possible financial impact was identified.
- 9.71 In such instances DWP may contact you to pursue enquiries relating to potential abuses of funding. Their remit will be, primarily, to investigate fraud and financial irregularity but it can in certain circumstances extend to non-compliance with contract and guidance.
- 9.72 You should therefore ensure that all staff involved in the delivery and management of contracts are fully aware of the risks and consequences of any falsification, manipulation, deception or misrepresentation. Occurrence of fraud within any individual programme could lead to the termination of all contracts held as well as civil or criminal proceedings against those implicated.

### **Extrapolation**

- 9.73 Claims that are positively invalidated and fail post-payment validation contribute to the error rate for extrapolation. The rate is calculated using the total number of errors divided by the total number of outcomes in the sample.
- 9.74 Once all the checks have been completed, including those that have been reviewed, you will receive an extrapolation report that details the validation decisions against the sample to enable you to reconcile against your claims. The report includes the error rate and the total amount of money to be recovered (if applicable). The report will be sent before any invoice is raised

## Invoicing Arrangements

- 9.75 DWP will request an invoice to be raised for the amount to be recovered as detailed in your extrapolation report. You are expected to pay this amount within 30 days of the receipt of the invoice. This adjustment will be at contract level as it cannot be attributed to individual claims.

## Special Customer Records

- 9.76 Where you have a job outcome claim for a participant who is granted Special Customer Records (SCR) status (as determined by HMRC Special Section D (SSD), you are required to submit the claim on the relevant form(s) which can be found in [Annex 3](#).
- 9.77 The appropriate forms, depending on the type of claim being submitted, should be printed off and completed manually.
- 9.78 DWP will only accept claims submitted on these forms where SCR status is granted by SSD, and will reject any claim where the status has not been granted.
- 9.79 This clerical process mirrors the PRaP automated process; therefore you are required to provide all information regarding employment details that you would normally submit in PRaP on the appropriate claim form and supporting annex, if applicable. The Provider Payment Validation Team will conduct a clerical off-benefit check and validate employment with employers and/or customers. Incomplete forms will not be actioned and will be returned.
- 9.80 Guidance to assist you in the completion of the form can be found by opening the excel document and placing the cursor over the small red corners of the relevant cells. These excel files can be accessed from [Annex 3](#).

## Work Programme: Universal Credit Claimant Provider Guidance

Send your fully completed claim form to:

Provider Payment Validation Team (PPVT)  
Department for Work and Pensions  
Finance Group  
Contracted Employment Provision Directorate  
4<sup>th</sup> Floor, Anchorage 2  
Salford Quays  
Salford M50 3YW

- 9.81 All clerical documents carrying personal information should be retained securely in line with the [Data Protection Act Principles](#). Once validated, the supporting information job and sustainment claims as detailed in programme specific guidance should be retained for ESF audit purpose until 31 December 2022.

## **Annex 1**

[Request to review post payment decisions template](#)

## **Annex 2**

[Fair Processing Notice](#)



## **Annex 3**

[Clerical Claim for a Job Outcome Payment](#)

[Clerical Claim for a Job Outcome Payment – Job Details Annex](#)

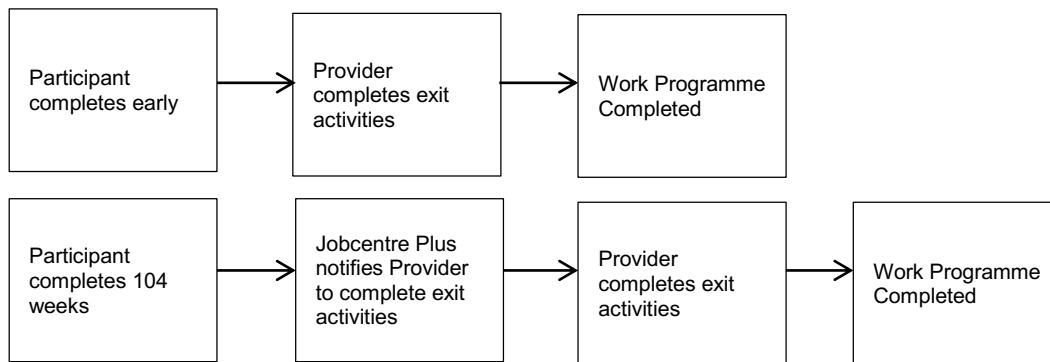
## Chapter 10: Completing the Work Programme

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

10.01 This chapter covers:

- [High level Must Dos](#)
- [Early Completers of the Work Programme](#)
- [Participant is due to complete the Work Programme \(104 weeks\)](#)
- [The unencrypted email process](#)
- [Jobcentre Plus request an Exit Report](#)
- [Completion and return of the Exit Report](#)

### High Level Must Dos



### Early completers of the Work Programme

10.02 An early completer is someone whose time on the Work Programme ends before the 104 weeks allotted time is reached.

#### Actions

- Enter completer reason on Provider Referral and Payments system (PRaP)

### Participant is due to complete the Work Programme (104 weeks)

10.03 As the participant is approaching the end of their allotted time, Jobcentre Plus will request an Exit Report. You must await this request before completing an Exit Report as not all participants will require one.

#### Actions

- Check for receipt of the form WPER2 (by post) or WPER2E (by email) daily from Jobcentre Plus at 102 weeks of the participants allotted time.

#### Consequences:

Failure to commence the exit activities promptly could result in Jobcentre Plus making a judgement about the appropriate next steps for the claimant without key information.

## Completion and return of the Exit Report

10.04 At the end of the Work Programme you are required to complete an Exit Report for each participant in receipt of Universal Credit (UC) and due to return to Jobcentre Plus after 104 weeks on the Work Programme.

**Please Note:** There is no policy requirement for an exit report meeting to be carried out with a participant when they are about to complete the Work Programme. All the information required by UC should have been recorded throughout their time on the programme.

10.05 All Exit Reports must be completed and received by Jobcentre Plus within 10 working days of the request being submitted to you. Day 1 is the date the request was submitted. Further information can be found in [Generic Guidance Chapter 8 - Information Security](#).

### Actions

- Update the participant records
- Complete the Exit Report
- Send the Exit Report to Jobcentre Plus by email or first class post/courier to your Jobcentre Plus District SPOC

#### **Consequences:**

100% compliance on the timely submission of Exit Reports (Jobcentre Plus to have received a report within 10 working days of their making a request for the Exit Report) is a contractual requirement. Your Performance Manager will discuss with you any failure to meet this target.

**Please Note:** You are not required to enter a completer reason or date on PRaP for those participants who have completed 104 weeks on the Work Programme

## Detailed Background and Further Information

### Early completers of the Work Programme

10.06 Early completion of the Work Programme can occur in these circumstances only:

- Final outcome payment has been claimed by Provider (applicable pre 1 January 2018)
- Job Outcome has been claimed by the provider
- Participant is referred to Work Choice. **Please note: Referrals to this programme ended on 1 February 2018.**
- Participant is referred to Work First Scotland. **Please note: Referrals to this programme ended on 9 March 2018 2018.**
- Participant becomes deceased.

- 10.07 When a participant is known to be in any of these categories you are required to enter the completer reason 'Completed Provision' onto PRaP. You should also enter the relevant date that the claimant completed their provision. If the claimant dies, their actual date of death must be recorded and not the date that the notification of the claimants death was received.
- 10.08 Jobcentre Plus may request an Exit Report for early completers of the Work Programme. When this happens you are required to complete the report and ensure Jobcentre Plus receive it within 10 working days of the request being made.

### **The unencrypted email process**

- 10.09 Work Programme prime providers, their sub-contractors, and Jobcentre Plus Exit Report Team (ERT) agents may use unencrypted email process as specified by DWP.
- 10.10 Before you begin to use unencrypted email for the first time for a specific process there are steps you must undertake to comply with DWP security requirements. Therefore, you must email [WPD.Security@dwp.gsi.gov.uk](mailto:WPD.Security@dwp.gsi.gov.uk) with any request to use unencrypted email and comply with the implementation requirements specified by DWP prior to beginning to use the unencrypted email process.
- 10.11 Before you allow your sub-contractors to use the unencrypted email for this process, you must ensure that the sub-contractor has been formally approved by DWP in line with the requirements specified in Memo GPG 0012.

### **Change process for extending use of unencrypted email for this process to additional and new sub-contractors**

- 10.12 If you wish to extend the use of unencrypted email for this process to one of your existing DWP approved sub-contractors who was not named on the list you supplied as part of your implementation activity, you must supply an updated list to your supplier manager and agree a date with them for the new sub-contractor to begin using the unencrypted email process.

10.13 If you wish to extend the use of unencrypted email for this process to sub-contractor who has newly joined your supply chain you must:

- Ensure that they have been formally approved as an addition to your supply chain as per the requirements specified in Memo GPG 0012.
- Supply an updated list of your sub-contractors whom you have permitted to use unencrypted email for this process to your supplier manager and agree a date with them for the new sub-contractor to begin using the unencrypted email for this process.

#### **Rescinding the use of unencrypted email for this process from a sub-contractor**

10.14 You may decide that you no longer wish one of your sub-contractors to use unencrypted email for this process. When this is the case, you must notify this to your lead SPM as soon as possible and supply an updated list of your sub-contractors whom you have permitted to use unencrypted email process to your supplier manager and agree a date with them for the sub-contractor to cease using the unencrypted email process.

#### **Participant is due to complete the Work Programme (104 weeks)**

10.15 The Jobcentre Plus ERT agent receives a reminder in the Work Services Platform (WSP) of those Work Programme participants who still have an active claim to Universal Credit and have completed 714 days of their allotted time on the Work Programme (102 wks). The 714 days is calculated from when the participant was referred to the Work Programme.

#### **Mandation**

10.16 Should you choose to mandate a participant to carry out an activity towards the end of the 104 weeks, you will need to ensure that there is enough time for the mandated activity to be undertaken and time should also be factored in for possible re-compliance action.

10.17 If a compliance doubt referral is processed by the UCDM; after the 104 weeks, the doubt would be rejected. Equally, if a UC participant's re-compliance does not occur before the end of 104 weeks, their sanction would be cancelled after the 104th week.

#### **Jobcentre Plus request an Exit Report**

10.18 The Jobcentre Plus ERT agent will transfer the participant information from WSP on to either a WPER2 (postal request stencil) or WPER2E (email request stencil). Each WPER2 or WPER2E should contain no more than 40 participant records and will include your participant's information as follows:

- NINO;
- Jobcentre;
- Request date;
- Report return deadline;
- Benefit type;

## Work Programme: Universal Credit Claimant Provider Guidance

- End date;
- Return email address (WPER2E and WPER3E only); and
- Return Postal address.

- 10.19 The WPER2/WPER2E are sent daily via post or email from a Jobcentre Plus ERT agent. Each WPER2 or WPER2E will be sent on the due date that participants have completed 102 weeks on the Work Programme.
- 10.20 The WPER2 and WPER2E notifies you of the completion date and the deadline for receipt of the completed Exit Report for each participant. All participants who are included on the template require an Exit Report to be completed and sent to Jobcentre Plus.
- 10.21 The Jobcentre Plus ERT agent should only attach one WPER2E to each email and they will set a read receipt to each email.
- 10.22 A copy of the template is included for your information at Annex A.
- 10.23 On receipt of the WPER2 or WPER2E from Jobcentre Plus ERT agent, you are required to ensure the participant records are up to date and complete, as the Exit Report will require a comprehensive summary of the time they have spent with you.
- 10.24 You may receive a WPER2 or a WPER2E from a Jobcentre Plus ERT agent for a participant you are responsible for supporting who has moved out of your CPA area. These requests should be actioned in the same way as for participants in your CPA area.
- 10.25 The participant records should include a history of the activities the participant has undertaken whilst on the Work Programme.
- 10.26 For Special Customer Records (SCR) participants you will receive a clerical request for an Exit Report from Jobcentre Plus when a SCR participant is due to complete their allotted time on the Work Programme.
- 10.27 The completion and return of Exit Reports for SCR participants should always be undertaken by your Nominated Officer, who must ensure that 'SCR participant' is marked clearly at the top of the Exit Report before sending it securely to the Nominated Officer in the relevant Jobcentre Plus office. Further information can be found in [Generic Guidance Chapter 2 - Delivering DWP Programme Provision](#)
- 10.28 All information on SCR participants whether received from Jobcentre Plus or generated by yourselves must be stored securely at all times. Further information can be found in [Generic Guidance Chapter 8 – Information Security](#)

### **Receiving WPER2 by Post**

- 10.29 The Jobcentre Plus ERT agent will send the WPER2 to the providers designated postal address.

### **Receiving WPER2E by Email**

- 10.30 The email will be sent to a dedicated in-box designated by you for this process.
- 10.31 The email subject should always be headed up; **“Work Programme Exit Report Request”**
- 10.32 Provider SPOCs will receive one WPER2E template per email and the WPER2E template should never contain more than 40 participant records. You may receive, from the same Jobcentre Plus ERT agent, more than one WPER2E per day in separate emails.
- 10.33 You may receive an Exit Report request from any Jobcentre Plus ERT agent as participants you are responsible for supporting may have moved around Great Britain.
- 10.34 Provider SPOCs must check their designated inbox on a daily basis and ensure that each email has been sent from a designated Jobcentre Plus ERT agent email address. On receipt the Provider SPOC should accept the read/receipt.
- 10.35 If you do not accept the read/receipt within 24 hours of the Jobcentre Plus ERT agent sending the email, you will receive a telephone call from the Jobcentre Plus ERT agent to confirm whether you have received the email. If you have not received an email containing the WPER2E form that the Jobcentre Plus ERT agent has sent, they will re-send the WPER2E form. For audit purposes you must record on your systems that you did not receive the original email.
- 10.36 If an email has not been sent via a designated Jobcentre Plus ERT agent email address, then you should keep a record of this error and contact the Jobcentre Plus ERT agent to notify them. You should not action any Exit Report requests unless you have received them through the designated Jobcentre Plus District SPOC inbox. If this happens you must contact the Jobcentre Plus ERT agent by phone (see paragraph 45).

### **Checking the WPER2 and WPER2E form**

- 10.37 You must check your own records to ensure that the participants stated on the WPER2 or WPER2E forms are attached to you.
- 10.38 If you propose to send the WPER2 or WPER2E to your sub-contractors you must check the WPER2 or WPER2E form only includes the participants that are attached to the sub-contractor prior to sending the form to your sub-contractors. You must keep a record of where and when you have sent the WPER2 or WPER2E form for 3 months.
- 10.39 You may choose to use unencrypted e-mail to send to your sub-contractor or may use your own encrypted system or MI system. If you choose to use unencrypted e-mail, you must adhere to the same restrictions when sending and receiving data to and from DWP e.g.
- Only one record per e-mail;

## Work Programme: Universal Credit Claimant Provider Guidance

- Standard e-mail content;
- Email sent from and to a designated inbox.

10.40 If you send data to the wrong sub-contractor, you must alert the sub-contractor to the error and ensure that they delete the record. You must keep records of the actions taken for 3 months.

10.41 If the WPER2 or WPER2E form:

- Was sent to you in error; or
- Includes participants with the wrong details (e.g. incorrect NINO); or
- Includes participants who belong to a different provider; or
- Includes more than 40 participant records

You must telephone the Jobcentre Plus ERT agent who sent the WPER2 or WPER2E form to report the error.

10.42 When it is agreed with the Jobcentre Plus ERT agent that the WPER2 or WPER2E form was sent to you in error or the email was not sent from the designated Jobcentre Plus inbox, the Provider SPOC must destroy the WPER2 form or delete the WPER2E form. You must keep a record of the actions taken for audit purposes.

10.43 The Jobcentre Plus ERT agent will either issue a further WPER2 or WPER2E to the correct Provider SPOC or re-issue the WPER2E to you from the correctly designated inbox.

10.44 If the Jobcentre Plus ERT agent issues another WPER2 or WPER2E for any of these scenarios they will amend the Exit Report request date on WSP so that providers have the full 10 working days to return their Exit Reports.

10.45 When it is agreed with the Jobcentre Plus ERT agent that the WPER2 or WPER2E includes participants with the wrong details (e.g. incorrect NINO) or includes participants who belong to a different provider you must delete the relevant participant's details from the form.

10.46 You may continue to work through the WPER2 or WPER2E form in these situations including where the form includes more than 40 participant records. You **must** keep a record of the actions taken for audit purposes.

### **Completion and return of the Exit Report**

#### **The purpose of the Exit Report**

10.47 The Exit Report you send to Jobcentre Plus will be a key tool used to determine the most appropriate type of support for participants upon their return to Jobcentre Plus.

10.48 JCP Work Coaches will use the Exit Reports you produce to:



- Build a profile of the participant following their two year long experience outside Jobcentre Plus on the Work Programme
- Understand the level of support the participant may require following the Work Programme

### **Participants in receipt of Universal Credit at the end of the Work Programme**

10.49 Exit Reports must be completed and sent by un-encrypted email or by post/courier to the Jobcentre Plus ERT agent to be received within 10 working days of the Jobcentre Plus ERT agent having submitted their request to you for the Exit Report.

10.50 The Exit Report Templates are included in the Annex B of this chapter and we strongly recommend that you use these for two main reasons:

- the design reflects the minimum information that must be supplied as per the current guidance and policy, so it will act as a prompt, and;
- so that Jobcentre Plus can identify them quickly when received.

10.51 You must meet the requirements to include logos on the template. If you choose to use your own template it must not include any corporate logos and it must reflect the required information listed here.

10.52 You must only include the participant's First name, Surname and National Insurance Number on their Exit Report.

10.53 The Exit Report must as a minimum include the following factual information:

- Summary – actions agreed, including activities such as work / training or work experience the participant has completed.
- the period (s) that any work experience or employment covered/ not completed and any reasons why actions were not completed
- Next Steps - your recommendations to Jobcentre Plus on the most appropriate next steps for the participant

10.54 The Exit Report should also include further information which will provide Jobcentre Plus with additional information and an insight to the participant's journey on the Work Programme.

10.55 This may include for example:

- Employment experience – details of any placements, voluntary work, paid employment including temporary or seasonal work etc.
- Employability – your opinion on the participants employment prospects, the type of employment which might be most appropriate.
- Attitude – any changes in attitude and background you have noticed whilst having worked with the participant for 2 years and any known reasons for these changes.
- Barriers to employment – any barriers that you have seen the participant overcome/are still to be addressed/have arisen whilst on Work Programme.

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- Any health conditions or substance dependency the participant may have.
- Compliance – the level of compliance you have seen from the participant, including any possible reasons you might consider to be behind this behaviour and which may be useful in determining further support for the participant.

- 10.56 Providers must not make any reference to a participant's Ethnicity, Religious Beliefs or Trade Union Membership in the Exit Report. The Exit Report must only include the participant's first name, surname and NINO it must not contain any further personal information.
- 10.57 Any sensitive information that you include on a participant's Exit Report must be brought to the attention of the participant before the Exit Report is sent to the Jobcentre Plus ERT agent.
- 10.58 You must adhere to the Data Protection Act when completing an Exit Report.
- 10.59 Participants should be provided with a copy of their Exit Report where you are in face to face contact with the participant or you must let participants know that they are entitled to a copy of the Exit Report on request.
- 10.60 When agreed with the participant you can make arrangements for the Exit Report to be collected or emailed or posted to the participant. Before emailing or posting the Exit Report you must ensure the participant is aware of the risks of sending personal information to them via email or post.
- 10.61 For audit purposes you must keep a copy of the Exit Report for 3 months from the date you have sent it to Jobcentre Plus.

### **Exit Report returned by post**

- 10.62 Exit Reports must be completed and sent by post/courier to Jobcentre Plus ERT agent to be received within 10 working days of the Jobcentre Plus ERT agent having submitted their request.
- 10.63 Exit Reports returned by post may be sent in batches back to Jobcentre Plus ERT agent. The maximum number of Exit Reports you can send is 49 Exit Reports per package. The address to return the Exit Reports will be stated on the WPER2 form.

### **Exit Report returned by email**

- 10.64 Exit Reports must be completed and sent by email to your Jobcentre Plus ERT agent within 10 working days of the Jobcentre Plus ERT agent having submitted their request.
- 10.65 You must only return one Exit Report in each email to the Jobcentre Plus ERT agent
- 10.66 You must send the email to a dedicated in-box designated by Jobcentre Plus ERT agent. The return email address will be stated on the WPER2E form.

- 10.67 The email subject should always be headed up; **“Work Programme Exit Report”**.
- 10.68 If your sub-contractors complete an Exit Report they may e-mail the Exit Report back to the Jobcentre Plus ERT agent designated inbox. All exit reports must be returned to Jobcentre Plus ERT agent via the designated provider SPOC e-mail address. It is your responsibility to ensure all Exit Reports are received on time and to the quality expected.

**Note: Providers have overall responsibility for their sub-contractors following this process and for the quality of information included in the Exit Reports.**

- 10.69 The Provider SPOC must keep a record of the email they have sent to the Jobcentre Plus ERT agent for audit purposes for 3 months.

### **Jobcentre Plus receive Exit Report**

- 10.70 On receipt the Jobcentre Plus ERT agent will check to identify if the participant stated on the Exit Report is within their District. If an error has been identified by the Jobcentre Plus ERT agent or you identify that you have sent the Exit Report to the wrong district, either party must contact the other by phone.
- 10.71 When an agreement is reached that an Exit Report has been sent to the wrong Jobcentre Plus ERT agent, they will delete the Exit Report from their systems. The provider SPOC will post/email the Exit Report to the correct Jobcentre Plus ERT agent. The Provider SPOC must keep a record of the actions taken for 3 months purposes and report the incident to DWP security as per [Generic Guidance Chapter 8 Information Security](#).
- 10.72 The Jobcentre Plus ERT agent will update the claimants WSP record by entering the Exit Report return date. The return date will be the date the Exit Report was received by the Jobcentre Plus ERT agent. From this and the request date we will be able to monitor achievement of your 10 day target.
- 10.73 100% compliance on the timely submission of exit reports (Jobcentre Plus to have received a report within 10 working days of their making a request for the Exit Report) **is a contractual requirement**. Your Performance Manager will discuss with you any failure to meet this target.
- 10.74 DWP will gather Management Information to enable them to measure the percentage of Exit Reports received by them within ten working days of Jobcentre Plus ERT agent making the request for an Exit Report. Further information can be found in [Generic Guidance Chapter 4 - Management Information](#)
- 10.75 Jobcentre Plus will not be seeking clarification from you regards the content of individual Exit Reports. Jobcentre Plus will clarify the content with the claimant.

10.76 If no reply is received by Jobcentre Plus within 5 working days from the date of the reminder they will escalate via your performance manager or third party provision manager.

**Exit Report requested and a completed Exit Report is no longer required**

10.77 Situations may arise where Jobcentre Plus makes a request for an Exit Report and then the report is no longer required. This may be because the participant is no longer in receipt of Universal Credit and the request was made in error.

10.78 When it is discovered by Jobcentre Plus or by you that an Exit Report is no longer required, you will be contacted by the Jobcentre Plus ERT agent or you should contact your Jobcentre Plus ERT agent.

10.79 Once clarified that a completed Exit Report is no longer required you must write across the Exit Report "not appropriate, C/circs received - participant no longer in receipt of Universal Credit or requested in error". You must still send the Exit Report back to the Jobcentre Plus ERT agent for audit purposes and to allow Jobcentre Plus to update WSP so that your 10 day target is not impacted.

**AD-HOC Exit Report Requests**

10.80 Jobcentre Plus may request ad-hoc Exit Reports for a participant who has found employment whilst on the Work Programme and subsequently returned to Jobcentre Plus to make a claim for Universal Credit. Requests will be made on the WPER2E or WPER2 form.

10.81 Requests for ad-hoc Exit Reports may be made for up to 12 months after a participant has completed the Work Programme. You must adhere to European Social Fund (ESF) requirements on document retention when undertaking this activity. Further information can be found in [Generic Guidance Chapter 11 - ESF Requirements](#)

**Business Continuity - Unencrypted E Mail Process not available**

10.82 There may be occasions when due to circumstances such as IT failure you are temporarily unable to receive Exit Report requests or transmit exit reports via unencrypted email. In these circumstances, you must ensure you inform Work Programme Division (WPD) via email at [WPD.IMPACTANDCHANGETEAM@DWP.GSI.GOV.UK](mailto:WPD.IMPACTANDCHANGETEAM@DWP.GSI.GOV.UK). If you are unable to send an email to WPD you should inform your Work Programme Performance Manager by telephone.

10.83 WPD will inform JCP Labour Market Products Team who will inform Jobcentre Plus ERT agent to temporarily suspend the use of unencrypted email.

10.84 You must keep WPD informed of the situation and inform them of how long you anticipate it lasting. If you anticipate the situation will continue for 48 hours or longer you must ensure you inform WPD of this via email at [WPD.IMPACTANDCHANGETEAM@DWP.GSI.GOV.UK](mailto:WPD.IMPACTANDCHANGETEAM@DWP.GSI.GOV.UK) (or phone your performance manager if you are unable to email) and you must revert to

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receiving and/or returning exit reports via clerical means until the problem is resolved and you are able to use the unencrypted email again.

- 10.85 You must inform WPD when you will be able to use unencrypted email again prior to starting to use it. WPD will notify JCP colleagues when the clerical process is being used and when unencrypted email is to be re-introduced.
- 10.86 Similarly if JCP Districts have an I.T. failure you must suspend using unencrypted email if you are notified to do so by WPD. WPD will notify you if the problem will last for longer than 48 hours and will ask you to revert to the clerical process if appropriate. Once resolved, WPD will notify you when unencrypted email has been re-introduced.

**Annex A**

<p><b>Work Programme Provider Exit Report Request - Electronic WPER2E</b></p>
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<b>Provider Name:</b>	<b>District/Jobcentre:</b>
<b>Request Date:</b>	<b>Report Return Deadline:</b>

<b>Return email address:</b>

	<b>NINO</b>	<b>Benefit Type</b>	<b>End Date</b>	<b>Jobcentre</b>
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**Annex B – Exit Report Templates**

[Exit Report Template - Scotland and Wales](#)

[Exit Report Template - England \(not Cornwall\)](#)

[Exit Report Template - Cornwall only](#)



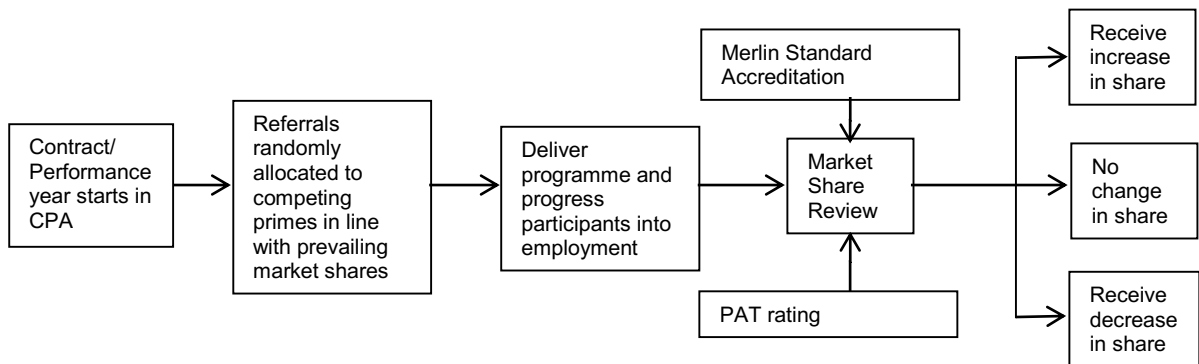
## Chapter 11: Market Share Shift

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

11.01 This chapter covers:

- [High Level Must Dos](#)
- [Performance Attainment Level](#)
- [Merlin Accreditation and Provider Assurance Team \(PAT\) rating](#)
- [Receiving an increase in market share](#)
- [Detailed background and further information](#)

### High Level Must Dos



### Performance Attainment Level

11.02 It is for you to deliver provision to Work Programme participants and in doing so maximise your legitimate achievement of Job Outcomes and thereby your Performance Attainment Level.

### Actions

- You must ensure you correctly action referrals/attachments on the Provider Referral and Provider system (PRaP) and action Job Outcomes in accordance with [Chapter 9 – Evidencing/Validating Payments](#).

#### **Consequence:**

If you do not correctly utilise PRaP it may leave you ineligible to gain market share even if you outperform the other providers in the Contract Package Area (CPA) in real terms.

### Background

11.03 Further detail is provided in the [detailed background and further information section](#).

## **Merlin Accreditation and Provider Assurance Team rating**

11.04 It is for you to comply with the requirements of the Merlin Standard and ensure you maintain a rating of 'excellent', 'good' or 'satisfactory' in the Merlin Standard assessment process.

11.05 It is for you to ensure you achieve the required Provider Assurance Team rating of 'reasonable' or 'strong'.

### **Actions**

- You must adhere to the requirements of the Merlin Standard and ensure you maintain a rating of 'excellent', 'good' or 'satisfactory' in the Merlin Standard assessment process throughout the contract duration;
- You must also ensure you operate and have systems in place which enable you to achieve the required Provider Assurance Team rating of 'reasonable' or 'strong'.

#### **Consequence:**

If you do not achieve a rating of 'excellent', 'good' or 'satisfactory' in the Merlin Standard assessment process and a Provider Assurance Team rating of 'reasonable' or 'strong', you will not be eligible to receive an increase in market share.

### **Background**

11.06 Further detail is provided in the [detailed background and further information section](#).

### **Receiving an increase in market share**

11.07 On review if you are shown to have met all the requirements as explained in [paragraph 11.09](#) to be considered for an increase in market share, you must ensure you are in a position to accept that increase at the point the market share shift is confirmed by DWP.

### **Actions**

- You must ensure you have the capacity and capability to deal with an increase in new referrals immediately after a shift is confirmed.

#### **Consequence:**

Failure to accept or not having the capacity and/or capability to accept a market share increase may result in contractual breach action by DWP

### **Background**

11.08 Further detail is provided in the [detailed background and further information section](#).

## Detailed background and further information

### To be considered for an increase in market share

11.09 To be eligible to be considered for an increase in market share for a Payment Group you must, at the point of consideration, have met **all** the following criteria:

- have the highest Performance Attainment Level in the CPA for the Payment Group in question;
- have outperformed the other Work Programme Prime Provider(s) in the CPA by ten (10) percentage points (or more), in terms of the achieved Performance Attainment Level for the Payment Group in question
- hold Merlin Standard accreditation of either 'excellent', 'good' or 'satisfactory'
- have achieved a rating of 'reasonable' or 'strong' in your most recent Provider Assurance Team assessment.

### Performance Attainment Level

11.10 In order to determine whether you have met the requirements of the first two criteria in [paragraph 11.09](#), your performance and that of the other Work Programme Prime Providers delivering in the CPA will, for each available Payment Group, be ranked based on the achieved Performance Attainment Level for the Payment Group in question.

11.11 To meet the criteria you must, in terms of that ranking, have the highest Performance Attainment Level and have outperformed the Provider with the lowest performance by ten (10) percentage points (or more).

11.12 In determining the ranking of each Provider, performance will be measured using the Performance Attainment Level achieved in the prior Performance Year (ending 31 March) as held on PRaP at the point of consideration.

### Merlin Accreditation and Provider Assurance Team rating

11.13 To meet the requirements of the final two criteria in [paragraph 11.09](#) you must hold a rating of 'excellent', 'good' or 'satisfactory' in the most recent Merlin Standard assessment and have attained in your most recent Provider Assurance Team assessment a rating of 'reasonable' or 'strong'.

11.14 Further information on the Merlin Standard accreditation and the assessment process can be found in [Generic Provider Guidance Chapter 2 - Delivering DWP Programme Provision](#).

11.15 Further information on Provider Assurance and the assessment process can be found in [Generic Provider Guidance Chapter 6 - Provider Assurance](#).

- 11.16 At the point of consideration where you have met the specified performance requirements ([see paragraph 11.10](#)) but have not attained Merlin Standard accreditation and/or achieved the required Provider Assurance Team rating ([see paragraph 11.13](#)) but, subsequently meet these requirements within the six months following that consideration (subject to a planned review having been conducted and the outcome published) you may then be eligible to be considered for a market share shift.

### **Receiving an increase or decrease in market share**

- 11.17 Assessment of the first Market Shift Review Period (April 2012 to March 2013) was carried out by DWP based on the data available to DWP on 30 June 2013 and the resulting increase/decrease in market share took effect from 5 August 2013. Assessment of the Market Shift Review Period (April 2013 to March 2014) was carried out by DWP based on the data available to DWP on 30 September 2014 and the resulting increase/decrease in market share took effect from March 2015. Assessment of the Market Share Review Period (April 2014 to March 2015) was carried out by DWP based on the data available to DWP on 15 September 2015 and the resulting increase/decrease in market share took effect from 21 September 2015.
- 11.18 Assessment of future Market Shift Review Periods will be carried out by DWP based on the data available to DWP on the 31 July falling immediately after the end of the relevant Market Shift Review Period.
- 11.19 Consideration will be within a CPA at individual Payment Group level (excluding Payment Group 8).
- 11.20 To be eligible to be considered for an increase in market share you must have met the necessary requirements. However, you should note that meeting these requirements does not automatically entitle you to any increase in market share.
- 11.21 An individual shift of market share will increase by five percentage points the share of new referrals in the CPA for the Payment Group in question received by the highest performing provider, with a corresponding decrease in referrals received by the lowest performing provider.
- 11.22 In a CPA with three providers, the provider ranked in the middle (between the lowest and highest performing provider) will not receive any change in market share. However, where two providers achieve the same lowest Performance Attainment Level score or highest Performance Attainment Level, the five percentage point shift to or from those providers will be split equally 2.5 percentage points each.
- 11.23 Market share shift will be applied following conclusion of the market share review. It will apply to new referrals only and continue in force for the remaining duration of the contract until or unless revised by a further shift in market share.

## Chapter 12: Communicating your Minimum Service Standards

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

12.01 This chapter covers:

- [High Level Must Dos](#)
- [Requirements for communicating your minimum service standards to participants who are joining the Work Programme](#)

### High Level Must Dos

Produce a product which sets out your minimum service standards, and the first step in your complaints process. Jobcentre Plus will give this to participants at their referral interview to the Work Programme.

### Requirements for communicating your minimum service standards to participants who are joining the Work Programme

12.02 The Government is clear that you, as a provider, are best placed to know what works for participants. As such, we are not specifying what support you should deliver. However, participants should know what they can expect from you before they take part in your provision.

12.03 How you communicate and market your services is your decision, but we do require that you provide a summary of the minimum service standards that you will offer to all participants joining the Work Programme.

12.04 You are responsible for providing your local Jobcentre Plus contact(s) with a product which sets out your minimum service standards for all participants. The document should also clearly explain that you have a complaints process, and the first step a participant should take if they are not content with the service they are receiving while they are with you.

12.05 It will be given to the participant and discussed at their referral interview in Jobcentre Plus. At the referral interview, the Jobcentre Plus Work Coach will explain the participant's rights and responsibilities whilst on the programme. The summary of your minimum service standards will ensure that participants understand what to expect from the programme – and will help enable their effective participation.

12.06 The minimum service standards reflect what was in your successful bid and must be presented in a form that is accessible and easy for participants to understand.

12.07 Further guidance on developing marketing products for participants can be found at [Generic Provider Guidance Chapter 9 - Marketing and Communications to participants](#)

## Chapter 13 – Accessing Other Programmes, Schemes, Grants and Incentives

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

13.01 This chapter covers:

- [Overview](#)
- [Access to Work \(AtW\)](#)
- [Jobcentre Plus Work Trials](#)
- [European Social Fund \(ESF\) provision](#)
- [Individual Learning Account \(ILA\) Scotland](#)
- [Learndirect \(England and Wales\)](#)
- [National Careers Service \(NCS\) in England/Careers Wales](#)
- [Skills Development Scotland \(SDS\)](#)
- [Prince's Trust programmes](#)
- [Skills Funding Agency \(SFA\)](#)
- [Substance Misuse Treatment Services \(England Only\)](#)
- [Wheels to Work Scheme \(W2W\)](#)

### Overview

13.02 The Work Programme supports a wide range of different participants, from different benefits. Beyond the Work Programme, there are a range of key national programmes, schemes, grants and incentives used to support unemployed people into work. Some Work Programme participants can access these initiatives.

13.03 Access to these initiatives is subject to a range of criteria and will, in some cases, be limited by the availability of places. You are expected to broker agreements with other service providers or Jobcentre Plus to allow participants to access these initiatives, if appropriate.

13.04 Eligibility and suitability should be considered on an individual basis. You are expected to understand what each initiative can provide, what the eligibility and suitability criteria are, and how to refer a participant who may benefit. You should not assume that Work Programme participants are automatically entitled to access the initiative programme, scheme, grant or incentive.

**Please Note:** This guidance only includes key programmes, schemes, grants or incentives available nationally. Pilots and local initiatives are not included. You are expected to work with your local strategic partners to identify other relevant local initiatives and put in place systems to allow participants to access these initiatives, if they are deemed appropriate.

13.05 The following initiatives can be accessed by claimants who are participating in the Work Programme:

- [Access to Work](#)
- [Jobcentre Plus Work Trials](#)
- [European Social Fund \(ESF\) Provision](#)
- [Individual Learning Account \(ILA\) Scotland](#)
- [Learndirect \(England and Wales\)](#)
- [Skills Development Scotland](#)
- [Prince's Trust Programmes](#)
- [Education Skills Funding Agency](#)
- [Substance Misuse Treatment Services \(England only\)](#)
- [Wheels to Work](#)

### **Access to Work (AtW)**

#### **What it can provide**

13.06 AtW provides practical advice and supports disabled people to overcome work related barriers. AtW can also provide a grant towards additional support relating to their disability that the person would need to do their job.

13.07 It can help in a number of ways. For example, it can help pay for:

- special aids or equipment to enable a disabled person to do their job
- adaptations to equipment to make it accessible
- adaptations to buildings to make them accessible over and above what is required by law
- the additional costs of travel to work for people who are unable to use public transport because of their disability or health condition
- a support worker in the workplace, such as:
- a reader for a visually impaired person
- an interpreter for someone with hearing difficulties.

13.08 In some cases (for example, larger employers) DWP and the employer will share these extra costs. The AtW adviser can advise you and the participant of this.

#### **Eligibility**

13.09 AtW is available to people who have a disability, long term health or mental health condition that is likely to last for 12 months or more.

13.10 To receive AtW help the following eligibility conditions must be satisfied. Customers must:

- be disabled or have a health condition that impacts their ability work
- be 16 or over (there is no upper age limit for support as long as the employment is likely to continue)



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- be in employment, whether as an employed or self-employed person, but not in voluntary work
  - be earning at least the National Living Wage or National Minimum Wage rate for each hour that they work (there is no minimum number of hours to be worked and the total amount of any wage is immaterial to eligibility).
  - National Living Wage is applicable to those aged 25 or over (but not in the first year of an apprenticeship)
  - National Minimum Wage is applicable to those aged under 25; and National Minimum Wage rates do not apply to people on apprenticeships.
  - be in need of help at a job interview with an employer. It is normally used by hearing-impaired Customers but it is available to anyone who has a disability which affects their ability to communicate. It is available for all job interviews, including internal promotion.
- 13.11 Communication Support at an interview cannot be used for:
- communication within a job such as job induction and job reviews, when you should consider a Support Worker
  - for Customers attending interviews with a Disability Employment Adviser, Jobcentre Plus Specialist Adviser or other DWP staff.
  - for attending other DWP programmes such as the Work Programme and the Work and Health Programme.
- 13.12 Interpreters or communicators are to be employed in a format understood by the individual Customer such as British Sign Language (BSL) or lip speaking or
- be about to start employment
  - be about to start a Job/Work Trial (Jobcentre Plus organised or individually established where there is a reasonable prospect of employment after the trial)
  - not be in receipt of Employment and Support Allowance (ESA) and/or NI credits only (or will cease to claim whilst in work) unless the Customer is about to start a JCP agreed Work Trial; on Permitted Work Higher Level; Permitted Work (PCA exempt) or Supported Permitted Work
  - be resident in Great Britain, excluding Northern Ireland, the Isle of Man and the Channel Islands, with a job based in Great Britain, help can, however, be used to cover Customer's visits overseas for work purposes
  - support is also available for opportunities that will help disabled people get ready for employment such as Traineeships, Sector-based Work Academies and Supported Internships

### **How to refer a Work Programme participant**

- 13.13 AtW is delivered through AtW Advisers. AtW Advisers can offer advice to Customers and employers.
- 13.14 Customers should apply for AtW support online at the [AtW section of GOV.UK](#) .
- 13.15 Alternatively, Customers can contact the AtW Service Centre on 0800 1217479 (Textphone 0800 1217579) to make their application.

Lines are open 8am to 6pm Monday to Friday or e-mail address is [here](#).

- 13.16 Customers should contact the Service Centre themselves. Therefore, if a Customer appears eligible for Access to Work you should explain to them that they should contact Access to Work and provide them with the relevant telephone number.
- 13.17 The Service Centre will:
- check their eligibility
  - take their application and pass it to an Access to Work Adviser who will work closely with the Customer and can draw on the expertise of independent specialist assessors to identify appropriate solutions to their needs, working with the Customer and their employer to propose a package of help.

### **Jobcentre Plus Work Trials**

#### **What it can provide**

- 13.18 Jobcentre Plus Work Trials provide an excellent opportunity for unemployed claimants to prove themselves to an employer without giving up the security of benefit. They are beneficial where there is some doubt on either side that the job and the claimant are suitable for each other following a formal interview for a vacant position.
- 13.19 Work Trials are designed to give a short trial period in the actual job. For the duration of the Work Trial, the participant is the only person under consideration for the job, which is theirs if the trial is successful. The participant takes part without obligation.
- 13.20 Eligible job vacancies, including apprenticeships, must meet the following criteria:
- the employer has an actual vacancy that they are looking to fill
  - the vacancy is for 16 hours per week or more
  - the vacancy is expected to last at least 13 weeks
  - the vacancy is in the United Kingdom
  - the vacancy is not covered by the Jobcentre Plus 'vacancies you must not service' criteria.

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- 13.21 Jobcentre Plus Work Coaches will ensure the vacancy is not covered by the 'vacancies you must not service' criteria, as long as Providers are confident the job meets the other criteria, a referral to the Jobcentre Plus office can be made.
- 13.22 The length of a Work Trial is decided on a case by case basis but is generally just for a few days. In exceptional circumstances Work Trials can be incrementally increased up to a maximum of 30 working days.
- 13.23 To ensure that a participant is not out of pocket, the Work Programme Provider is responsible for the payment of the participant's travel costs, overnight subsistence and childcare expenses whilst undertaking the Work Trial.
- 13.24 All Work Programme participants are eligible to take part in a Jobcentre Plus Work Trial. However, a Work Trial must be authorised by a Jobcentre Plus Work Coach and one may not be appropriate on every occasion, even if the participant is Work Trial eligible.
- 13.25 Disabled people taking part in a Work Trial can also apply for advice and support from AtW. This should encourage more disabled people to take up the opportunity to try out work.

### **How to refer a customer**

- 13.26 Providers must refer any participant wishing to take part in a Work Trial to Jobcentre Plus at the appropriate point, that is after an interview for a vacant post. This can be via a telephone call or email, but agreement must be gained from the Jobcentre Plus office in advance that they can see the participant (that is, an appointment can be arranged) before the participant is directed to the Jobcentre Plus office.
- 13.27 Work Programme participants should not approach Jobcentre Plus directly about participating in a Work Trial. Any participant contacting Jobcentre Plus directly will be advised to speak to their Provider in the first instance, who will, if a Work Trial is appropriate, refer them back to Jobcentre Plus.

### **European Social Fund (ESF) provision**

#### **Additional Support for prison leavers**

- 13.28 ESF provision supports activities to promote employment opportunities for all. It is especially aimed at people who are disadvantaged in the labour market or who have no or low skills.
- 13.29 ESF provision may already be in place for prison leavers who make their claim to Universal Credit (UC) within 13 weeks of their release.

13.30 The ESF provider should contact you to discuss what they are already providing for the participant to ensure there is no overlap between their provision and anything you have planned.

13.31 In cases where the prison leaver does not make a claim within 13 weeks and is referred to Work Programme at a later date, ESF provision can also be accessed if the provision complements and does not duplicate anything that you or your supply chain are able to deliver. However, you are unable to mandate participants to undertake ESF provision.

### **Eligibility**

13.32 Only prison leavers who make a claim to Universal Credit and are in the Intensive Work Search regime are eligible.

### **How to refer**

13.33 To refer a participant you should contact the ESF provider in your area and discuss with them the reason for your referral.

## **Individual Learning Account (ILA) Scotland**

### **What it can provide**

13.34 ILA Scotland is a Scottish Government scheme that helps with the cost of learning.

### **Eligibility**

13.35 Work Programme participants who are 16 or over, living in Scotland could access up to to £200 towards the cost of learning or training with an ILA. ILA Scotland (funding through a learner account) is available to Work Programme participants who:

- are aged 16 or over
- live in Scotland
- have an income of £22,000 a year or less or receive one of the benefits listed below.

13.36 If your participants currently receive one of the following benefits they can apply for an ILA Scotland learner account:

- Carer's Allowance
- Child Tax Credit (maximum rate)
- Jobseekers Allowance (JSA)
- Income Support (IS)
- Employment and Support Allowance (JSA)
- Pension Credit (also known as State Pension Credit)
- Universal Credit (UC).

13.37 There is a wide range of courses available including counselling skills, the European Computer Driving License (ECDL), accounting, First Aid and graphic design and conversational Spanish. Study can be with any ILA Scotland approved provider, including learning centres, local colleges, universities and private training companies.

### **How to refer a Work Programme participant**

13.38 To request an application pack or to find out more, participants should call the ILA Scotland helpline free on 0800 917 8000 or visit [My World of Work](#).

### **Learndirect (England and Wales)**

#### **What it can provide**

13.39 Learndirect provide flexible learning for adults wanting to improve existing skills or to learn new ones. This is delivered by Ufi Ltd, who uses a network of training providers in England and Wales.

13.40 The aims of Learndirect are to:

- reach those with few skills and qualifications who are unlikely to take part in traditional forms of learning
- equip people with the skills they need for employability
- deliver this innovatively through the use of new technologies.

13.41 Learndirect offers around 630 different courses covering a range of subjects, including management, Information Technology and basic skills in literacy. These are delivered in two ways:

- Learndirect Skills and Qualifications – for employers and employees.
- Learndirect Business – which provides off-the-shelf and work based e-learning courses to employers and their employees.

#### **Eligibility**

13.42 Work Programme participants in England and Wales can take up places (where available) on existing Learndirect courses where an agreement to do so has been brokered between yourselves and Learndirect.

### **How to refer a Work Programme participant**

13.43 It is advisable that you refer to the [Learndirect website](#) for details of all the courses and support they can provide. For information on courses in Wales refer to [Learndirect Wales](#).

13.44 For specific queries regarding Learndirect, either you or participants can call 0800 101 901.

13.45 Also under the Learndirect umbrella is:

### **National Careers Service (NCS) in England/Careers Wales**

13.46 The [NCS](#) offers face-to-face, telephone and online advice on training opportunities, learning and employment. The service offers participants help to identify and improve their skills, support to address basic skills needs, understand the local labour market, develop their Curriculum Vitae (CV) and support them with job search.

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- 13.47 If your participant requires general careers advice or help in locating a course or information and advice about qualifications or funding, please advise them to call NCS/Careers Wales on 0800 100 900.
- 13.48 In England the service is open between 8am and 10pm seven days a week. In Wales the service is available between 9am and 9pm Monday to Friday, 9am and noon on Saturday and is closed on Sunday.
- 13.49 For participants in England who require in-depth guidance on skills, careers and labour markets, please refer your participants to [NCS](#).
- 13.50 NCS offers face-to-face advice on training opportunities, learning and employment. The service offers participants help to identify and improve their skills, support to address basic skills needs, understand the local labour market, develop their CV and support them with job search.
- 13.51 Upon contacting NCS a guidance adviser will arrange a call-back with your participant. If guidance advisers are busy, a call will be automatically transferred to another adviser group who will arrange the call-back appointment with a guidance adviser.
- 13.52 This will ensure that the guidance adviser can recognise a call as a guidance referral. This dedicated number should only be used for guidance-related referrals by one of your advisers.
- 13.53 In Wales, in-depth careers guidance is available from Careers Wales. Contractors should liaise with their local Careers Wales offices to agree local referral practice. Local offices can be located at [Career Wales](#).
- 13.54 Upon contacting NCS a guidance adviser will arrange a call-back with your participant. If guidance advisers are busy, a call will be automatically transferred to another adviser group who will arrange the call-back appointment with a guidance adviser.
- 13.55 This will ensure that the guidance adviser can recognise a call as a guidance referral. This dedicated number should only be used for guidance-related referrals by one of your advisers.

### **Skills Development Scotland (SDS)**

#### **What it can provide**

- 13.56 SDS helps individuals and businesses in Scotland to access appropriate learning and development opportunities and associated funding.
- 13.57 SDS has 500 learning centres across the country, which Work Programme participants can be referred to. SDS offer e-learning to these centres free of charge, but do not fund the support that goes with them, or any costs for access to computers.

## Eligibility

13.58 Work Programme participants can take up place on existing SDS courses where an agreement to do so has been brokered between you and SDS.

## How to refer a Work Programme participant

13.59 For more details go to [My World of Work](#). Participants can call free on 0800 917 8000 and businesses should call 0800 783 6000.

## Further information

13.60 Also under the SDS umbrella is:

## Careers advice in Scotland

13.61 If your participant requires general careers advice or information such as help in locating a course or information and advice about qualifications or funding in Scotland, they should call into their local Careers Scotland branch, call 0800 917 8000, or access details of the full services available at [Skills Development Scotland](#).

## Prince's Trust programmes

### What it can provide

13.62 The Prince's Trust is a charitable organisation that provides practical and financial support to young people who are not in work, education or training. They help young people develop key skills, confidence and motivation, enabling them to move into work, education or training.

13.63 The Prince's Trust run several programmes that encourage young people to take responsibility for themselves – helping them build the life they choose. Work Programme participants may be able to participate in the following Prince's Trust programmes:

- [Enterprise Programme](#)
- [Get Into Programme](#)
- [Team Programme](#)
- [Get Started](#)
- [Fairbridge Access Course](#)
- [Fairbridge Follow-on Programme](#).

13.64 In Wales the Team Programme may not be available to Work Programme participants in every location. You should contact Prince's Trust locally to confirm.

### Enterprise Programme

13.65 The Prince's Trust Enterprise Programme helps people to explore and test their business ideas, write business plans and start their own businesses or achieve alternative goals in education, training or work.

13.66 The Enterprise Programme is for people who:

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- have a business idea they want help to explore
- are aged 18-30
- are unemployed or working less than 16 hours a week
- live in England, Scotland, Wales or Northern Ireland.

13.67 You should contact Prince's Trust to discuss local arrangements and costs.

### **Get Into Programme**

13.68 This programme is for young people aged 16-25 who are unemployed. It provides short courses that give people the opportunity to develop the relevant vocational training and experience to enable them to move into a sustainable job in a specific sector of work, such as retail, construction or hospitality.

13.69 You should contact Prince's Trust to discuss local arrangements and costs.

### **Team Programme**

13.70 The Team Programme is for UK residents aged 16-25 who are unemployed.

13.71 The programme offers:

- practical skills that help participants in work and life
- career advice and help with job-hunting and CVs
- a nationally recognised qualification
- work on community projects
- an action-packed residential week.

13.72 You should contact Prince's Trust to discuss local arrangements and costs.

### **Get Started**

13.73 Get Started is an engagement programme for 16-25 year olds who are unemployed and lack the confidence or motivation to move forwards. It aims to re-engage young people furthest from the jobs market and help them increase their confidence, motivation, personal and social skills and employability and move into education, training or employment. Programmes include 'Get Started with Football' and 'Get Started with Music.'

13.74 You should contact Prince's Trust to discuss local arrangements and costs.

### **Fairbridge Access Course**

13.75 Universal Credit claimants may take part in the Access Course after agreeing their participation with their Jobcentre Plus Work Coach and you. The access course must be deemed the most suitable option for the claimant. The residential element lasts between one and three days.

### **Fairbridge Follow-on Programme**

13.76 The Follow-on Programme may be undertaken by Universal Credit claimants providing that:



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- they remain available for and actively seeking employment in accordance with their Claimant Commitment
- claimants notify their Jobcentre Plus Work Coach before attending any residential periods during the Follow-on Programme
- jobseeking activities have been incorporated into the programme
- participation on the Follow-on Programme has been discussed with and endorsed by you

### **Eligibility**

- 13.77 Prior to engaging in the programme claimants must discuss their participation with you. You will need to decide whether the Prince's Trust programme is appropriate for the claimant and can be accepted as a work preparation activity.
- 13.78 While on the programme, claimants will generally be expected to meet work-related requirements (including work search/availability requirements), as set out in their Claimant Commitment, to remain entitled to Universal Credit.
- 13.79 Universal Credit will need to be contacted if participation on the Prince's Trust programme means that the claimant may not be able to attend a regular Work Search Review appointment. Where appropriate, the Jobcentre Plus Work Coach will consider alternative arrangements. The Jobcentre Plus Work Coach may also need to revise the Claimant Commitment to take account of participation in the programme.
- 13.80 Your organisation may have contacted the Prince's Trust and negotiated a Service Level Agreement to allow Work Programme participants to access the provision. If so, participation will be subject to the Service Level Agreement and availability of places.

### **How to refer a Work Programme participant**

- 13.81 How Work Programme provision operates in relation to the support offered is dependent on the agreement reached between your organisation and the Prince's Trust.

### **Education Skills Funding Agency (ESFA)**

#### **What it can provide**

- 13.82 The ESFA invest approximately £4 billion per year of public spending in colleges, training organisations (including employers), to fund training for adults in England. The skills training funded enables people to do their jobs better, get new jobs, or progress in their careers.
- 13.83 The ESFA allocate funding to colleges and other training organisations in line with government priorities. Within this, training organisations have some freedom and flexibility to ensure their offer meets the needs of individuals, local businesses and communities.

13.84 The ESFA also house the National Apprenticeship Service, which operates throughout the country, working to develop the relationship with business to drive forward the government's ambition for increasing [apprenticeships](#).

13.85 The NCS (part of the ESFA) directs learners and employers to the right training for them or their workforce.

### **Eligibility**

13.86 All ESFA provision is available to Work Programme participants aged 19 and over and is delivered by ESFA training organisations. There are some residency requirements but most Work Programme participants will meet these.

13.87 The SFA defines an individual's age as their age on 31 August for learning started in their funding year (August to July). This means that someone who becomes 19 years of age between September and July will not be funded by the SFA until the following August.

**Please Note:** For participants aged 18 the ESFA provision is not available but these participants can access learning via the [ESFA](#).

### **How to refer a Work Programme participant**

13.88 Further information about ESFA provision can be accessed from the ESFA website at [ESFA](#).

### **Substance Misuse Treatment Services (England Only)**

#### **What it can provide**

13.89 Claimants with substance misuse problems may be some of the most complex that are referred to the Work Programme by Jobcentre Plus. Many substance misusers will have a combination of physical and mental health problems, offending histories and limited education, skills and employment experience. Coupled with their drug or alcohol misuse, this combination of factors may pose a significant challenge to helping them into employment.

13.90 The government's national [Drug and Alcohol strategy](#) focusses on the support that people need to recover from their substance misuse. It emphasises the importance of employment as a key outcome of drug treatment with evidence indicating that getting a job helps to secure and sustain the gains made whilst in treatment.

13.91 The role of drug and alcohol treatment providers is to provide a range of medical or psychological interventions, depending on the needs of the individual, some of which may be more intensive in duration and requirement. As part of the care planning process that takes place in treatment, people will be encouraged to address the range of needs that are related to their substance misuse and agree goals, including those related to education and employment.

- 13.92 Treatment providers have been working closely with Jobcentre Plus to offer a more joined up approach to addressing the employment-related needs of people in treatment. This has been embodied in the [‘Joint working protocol for Jobcentre Plus and treatment providers’](#).
- 13.93 A similarly close relationship between Work Programme Providers and treatment providers will ensure that the intensive support that will be required to deliver employment services to this customer group are aligned with the support that is being provided by the drug or alcohol treatment provider. Any actions agreed need to be proportionate to the activities claimants are required to undertake as part of the treatment programme, some of which may require intensive medical or psychological interventions.
- 13.94 Links should also be made with local treatment providers so that Work Programme staff know where to refer a participant who is not in treatment, but has a substance misuse problem that has not previously been identified by Jobcentre Plus. Jobcentre Plus offices have agreed a ‘Single Point of Contact’ with local treatment providers and this should be shared with Work Programme Providers.

### **Eligibility**

- 13.95 Anyone with a drug or alcohol problem can seek treatment for their problem.

### **How to refer a customer**

- 13.96 Drug treatment may be provided separately to the alcohol treatment, or together. Work Programme providers will need to establish contacts with commissioners of drug and alcohol treatment in each local authority and familiarise themselves with the treatment providers in each of their contract package areas.
- 13.97 Many local authorities have published a directory of drug and alcohol treatment services, as well as information on the agreed screening and referral processes from agencies such as Jobcentre Plus, social services or local housing departments. Work Programme providers will now need to be able to support those claimants with a substance misuse problem who are not currently accessing treatment.
- 13.98 Where the participant is already in treatment and a referral is not required, close contact will still be required for reasons outlined above.
- 13.99 To assist the referral process Work Programme Providers can choose to use the following referral forms on the [Drugwise](#) web page when communicating with or sharing information with the local service.

### **Wheels to Work Scheme (W2W)**

13.100 Wheels to Work (W2W) is designed to provide transport solutions for those who experience barriers to education, training and employment because of inadequate public or private transport.

#### **What it can provide**

13.101 W2W is a scheme that you may choose to use to help a participant into work.

13.102 It can include loans of mopeds, scooters or bicycles as well as travel planning, advice or subsidised travel tickets.

13.103 The scheme provides:

- compulsory basic training for the use of mopeds or scooters
- insurance
- Vehicle Excise Duty
- maintenance of the vehicle.

13.104 Participants may also receive protective equipment, however in some cases these costs will have to be covered by the client.

#### **How to refer a participant**

13.105 If you choose to refer a participant to the W2W scheme you should contact your local W2W organisation, who will assess participants for suitability to take part in the W2W Programme.

13.106 You should be aware that you will be expected to provide enough funding to enable participants to get on to the scheme and guarantee consistent transport until they receive their first salary payment.

13.107 A contribution of approximately £20 per week is required from the participant and they should pay the weekly loan fees for their vehicle as soon as they are able to do so. This encourages responsibility and helps participants to budget for their future transport costs.

13.108 It is anticipated that a participant may need to use the scheme for approximately six months until they have obtained their own vehicle.

13.109 A full list of W2W providers can be found on [Wheels to Work website](#)

## Chapter 14: Standard Definitions for the Work Programme

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

14.01. This chapter covers:

- [Referral](#)
- [Allotted Time](#)
- [Allotted Time Start](#)
- [Attachment Activity](#)
- [Attachment Date](#)
- [Job Start](#)
- [Job Outcome Earnings Thresholds](#)
- [Job Outcome payment](#)
- [Completer](#)
- [Minimum performance levels and incentive payment model](#)

### **Referral**

14.02. The date Jobcentre Plus records a referral to the Work Programme Provider on a DWP prescribed IT or clerical system.

### **Allotted Time**

14.03. The Work Programme Allotted Time is 104 weeks from and including the date of the referral from Jobcentre Plus, unless a participant has completed the programme before the end of the Allotted Time (see definition of a completer in paragraph below).

### **Allotted Time Start**

14.04. A participant is defined as 'starting Allotted Time' on the Work Programme from and including the date of the referral from Jobcentre Plus.

### **Attachment Activity**

14.05. The Attachment Activity is the initial two way engagement between the participant and the Work Programme Provider and recording of this activity by the Provider resulting in an Action Plan. This may be by any manner and media they deem appropriate.

### **Attachment Date**

14.06. The date the Attachment Activity is recorded on a DWP prescribed IT or clerical system by the Provider.

## Job Start

14.07. The date the participant starts a job which:

- Has earnings that meet or exceed the net earnings threshold; and
- Is within the 104 weeks Allotted Time; and
- Is after the Attachment Activity has been recorded on a DWP prescribed IT or clerical system by the Provider.

## Job Outcome Earnings Thresholds

14.08. For the earnings-based outcome measure we use the Universal Credit net earnings threshold amount.

14.09. The Work Programme Universal Credit earnings threshold amount will be reviewed annually from April of each year. The current earnings threshold is set at £338 per calendar month for participants aged 25 and over and £272 per calendar month for young persons and apprentices.

## Job Outcome payment

14.10. The following statement describes the circumstances which must be met, in order for a job outcome payment to be made in respect of participants receiving, or having moved off, Universal Credit.

The claimant must be:

- Either off benefit for 182 days
- Or, for those who remain on Universal Credit, have earnings of at least the threshold level for 182 days.

14.11. Further information about the Work Programme payment groups can be found in [Chapter 2 - Work Programme Claimant Groups](#).

14.12. The Job Outcome is after the Job Start date, i.e. a Job Outcome payment can only be claimed when a participant starts a Job after Attachment Activity has been recorded on DWP prescribed IT or clerical system.

### Please Note:

- This period begins to accrue from and including the Job Start date;
- Only one Job Outcome payment can be claimed for each participant per period of allotted time. Outcomes can include self-employment and subsidised employment;
- For the earnings-based outcome measure we use the net earnings figures (gross pay minus tax, national insurance and pension contributions). Earnings for the period are measured against a monthly earnings threshold.

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- Any period that a participant is employed within the employment aspect of your business will not count towards a Job Outcome.
- Job Outcome payments will be made for claims you submit within 3 years of a participant being referred to the programme only

### **Completer**

14.13. A completer is a participant:

- Who has reached the end of the Allotted Time from the date of referral; or
- For whom the Provider has claimed the final eligible outcome payment (pre 1 January 2018); or
- For whom the Provider has claimed the Job Outcome payment; or
- Who has had a decision made by Jobcentre Plus that it is appropriate for them to be referred to Work Choice; or
- Who has died.

14.14. If a participant has left benefit for a period of time, which takes them beyond the 104 weeks allotted time, and should they return to benefit, their status will be Work Programme completer and they will be referred to the Jobcentre Plus offer.

### **Minimum performance levels and incentive payment model**

14.15. The minimum performance and trigger level for incentive payments will be based on the conversion rate of referrals to job outcomes as calculated by DWP. This level has been calculated based on the:

- Latest net Referrals for each month for each PG as recorded on PRaP; and ;
- Profile for the length of time taken for a Referral to become a Job Outcome

14.16. Any Provider who does not deliver the expected minimum number of Job Outcomes in a given rolling 12 month period will be defined as not meeting minimum performance standards. Minimum performance standards apply to payment groups 1, 2 and 6a.

14.17. Providers will be paid an additional incentive payment (on top of the standard job outcome payment), for any job outcomes achieved above the incentive payment trigger level for from year 4 of the contract onwards. The incentive payment applies to payment groups 1, 2 and 6a. Incentive payments will be made for job outcomes in excess of 118% of MPL.

14.18. Incentive payments will be calculated and paid after the end of each contract year from year 4 of the contract. For the purposes of calculation of incentive payments Referrals made on or after April 2016 will be

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ignored. This means that there will be two MPL levels from 2016/17 onwards – one including Referrals made on or after April 2016 and one that ignores them



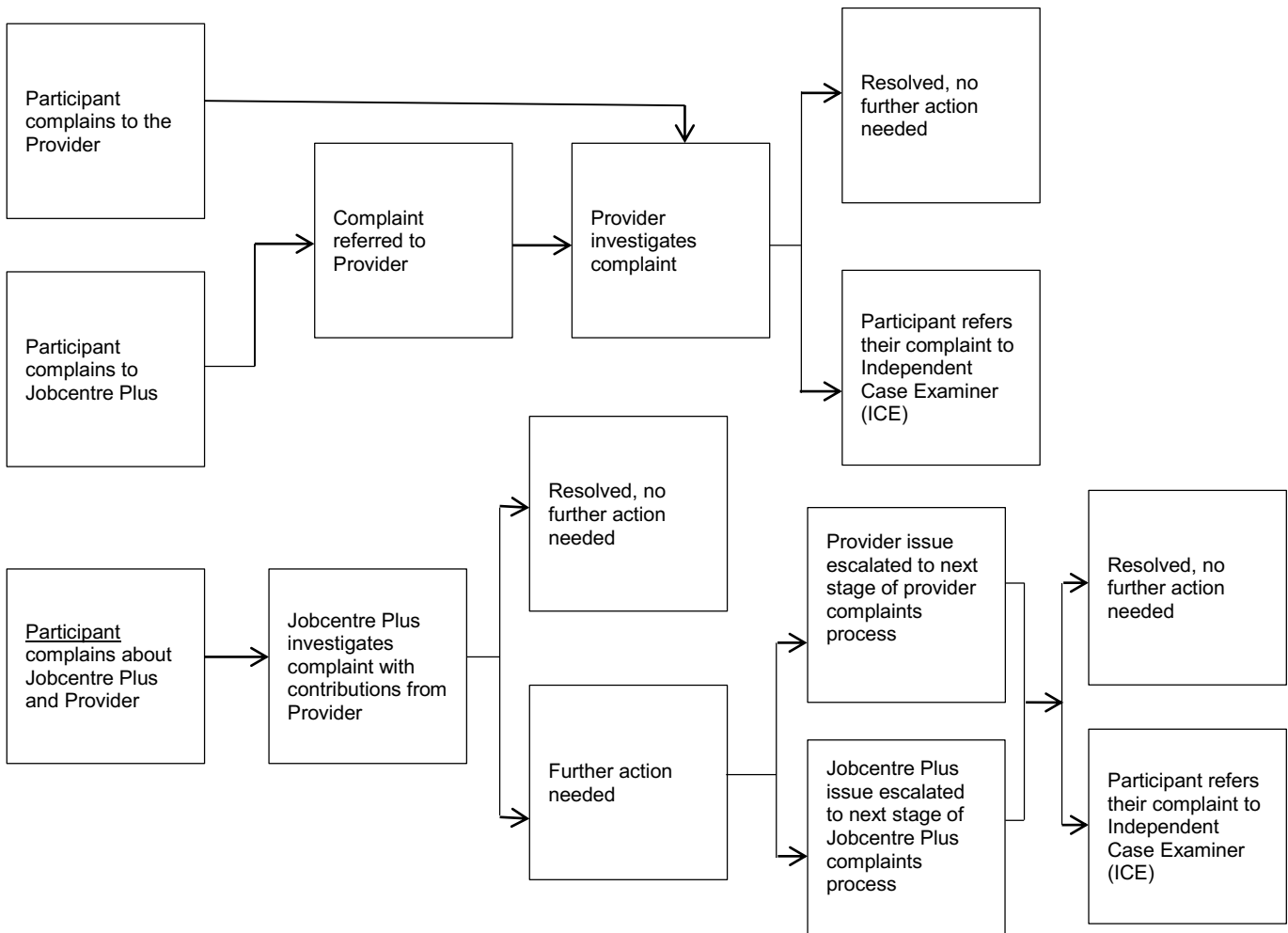
## Chapter 15: Participant Complaints

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

15.01. This chapter covers:

- [High Level Must Dos](#)
- [Participant makes a complaint against you](#)
- [Participant makes a mixed complaint \(against you and Jobcentre Plus\)](#)
- [Participant makes a complaint about you to Jobcentre Plus](#)
- [Participant makes a complaint to you about Work Programme Policy](#)
- [An employer makes a complaint about you regarding the Work Programme](#)
- [An elected member of a national or international body makes a complaint to you on behalf of an participant](#)
- [Detailed background and further information](#)
- [The role of the Independent Case Examiner \(ICE\)](#)
- [Annex A: Standard wording for your final response to the customer](#)

### High Level Must Dos



## Participant makes a complaint against you

15.02. Where a participant is unhappy with the service they are receiving from you, they may raise a complaint.

### Actions

- Ensure that all participants are aware of your internal complaints procedure
- Take all steps outlined in the procedure to resolve the complaint
- You must take all action to your stated timescales
- On reaching end of your complaints process you must include the text at [Annex A](#) in your final response

### Consequence

If you do not respond to the complaint within eight weeks of receipt the participant may choose to go directly to ICE. If you fail to resolve the participant's complaint to their satisfaction they may escalate the issue to the ICE. This could lead to you being required to contribute £5000 costs for each complaint they uphold.

### Background

15.03. Further detail is provided in the [Detailed background and further information section](#).

## Participant makes a mixed complaint (against you and Jobcentre Plus)

15.04. If a participant wishes to make a complaint against both you and Jobcentre Plus, Jobcentre Plus will lead on responding to the participant and will ask for a contribution from you.

15.05. If the participant raises this type of complaint with you, you should direct them to Jobcentre Plus.

### Actions

- If you are contacted by Jobcentre Plus regarding a complaint you should return any paperwork or contribution to a reply within stated timescales and at least within 5 working days.

### Consequence

If the participant is not satisfied with the response to their complaint against you they can escalate the issue to the ICE. This could lead to you being required to contribute £5000 costs if the complaint is upheld after investigation. You will also be liable to pay any financial redress deemed by ICE to be due to the customer. ICE will apply the following DWP policy when considering if any redress is due to the customer: [Compensation for poor service: a guide for DWP staff](#).

## Background

15.06. Further detail is provided in the [Detailed background and further information section](#).

### Participant makes a complaint against you to Jobcentre Plus

15.07. In the course of their contact with Jobcentre Plus a participant may raise a complaint with them against you. Jobcentre Plus staff will direct the participant to raise their issue with you so you have a chance to resolve it to their satisfaction.

15.08. On receipt of the complaint you should follow your procedure as normal.

### Actions

- You must deal with the participants complaint in the same way as you would had they have raised it with you directly

#### Consequence

If you fail to resolve the participant's complaint to their satisfaction they can escalate the issue to the ICE. This could lead to you being required to contribute £5000 costs if the complaint is upheld after investigation. You will also be liable to pay any financial redress deemed by ICE to be due to the customer. ICE will apply the following DWP policy when considering if any redress is due to the customer: [Compensation for poor service: a guide for DWP staff](#).

### Participant makes a complaint to you about Work Programme Policy

15.09. If a participant raises a complaint with you regarding the requirement for them to attend The Work Programme or any other issue with programme policy you should direct them to contact Jobcentre Plus who will deal with their complaint.

### An employer makes a complaint against you regarding the Work Programme

15.10. During the life of the Work Programme contract an employer, with whom you have placed or attempted to place a participant may wish to raise a complaint against you.

15.11. On receipt of the complaint you should follow your procedure as normal.

### Actions

- You must deal with the employer's complaint in the same way as you would any complaint made against you.

#### Consequence

If you fail to resolve the employers' complaint to their satisfaction they can escalate the issue to the ICE. This could lead to you being required to contribute £5000 costs if the complaint is upheld after investigation. You will also be liable to pay any financial redress deemed by ICE to be due to the customer. ICE will apply the

following DWP policy when considering if any redress is due to the customer:

[Compensation for poor service: a guide for DWP staff.](#)

### **An elected member of a national or international body makes a complaint to you on behalf of a participant**

15.12. There may be occasions when an elected member of a national or international body would write to you on behalf of the participant, for example:

- Member of Parliament (MP)
- Member of the Scottish Parliament (MSP)
- Member of the National Assembly for Wales (AM)
- Member of the Northern Ireland Assembly (MLA)
- Member of the European Parliament (MEP).

Further advice on how to respond in this circumstance can be found in [DWP Generic Provider Guidance chapter 2 – Delivering DWP provision](#)

### **Detailed background and further information**

#### **Participant makes a complaint against you**

- 15.13. You must have an appropriate complaints process across your whole supply chain to resolve customers' complaints. You must explain your complaints process to the participant in your first contact with them. Further information can be found in [Chapter 12 - Communicating Your Minimum Service Standards](#).
- 15.14. You may be interested in looking at the [Complaint Resolution Core Briefing Pack for providers](#) and the [DWP Customer Charter](#) when reviewing your processes.
- 15.15. Where a participant is unhappy about the service they receive from you and raises a complaint you should ensure that you follow each step of your detailed process robustly in order to bring the complaint to a satisfactory conclusion.
- 15.16. After following all steps in your process you must include in your final response to the participant a standard text which signposts the customer to contact ICE should they wish to pursue their complaint. The text can be found in [Annex A](#).
- 15.17. ICE will mediate between you and the participant to broker a resolution. If a resolution cannot be agreed between either party, ICE will undertake a full investigation of the complaint. To ensure that a thorough investigation can take place, you will need to provide all the papers which relate to the complaint. The ICE office will ask for these when required. If a complaint is upheld against you at this investigation stage, £5,000 will be recovered from you to go towards funding the ICE service for provider complaints in the following year.

- 15.18. DWP will gather Management Information from the complaints that ICE receive. This information will inform contract performance management.

### **Participant makes a mixed complaint (against you and Jobcentre Plus)**

- 15.19. If a participant raises a formal complaint against both you and Jobcentre Plus, Jobcentre Plus will lead on responding to the complaint. They will contact you for a response regarding the element of the complaint which relates to your provision, agree a final response with you, and issue it to the participant.
- 15.20. If the participant remains dissatisfied at this point, they will be advised to approach you directly about any issues which relate to the service you provide. You should treat the first combined response from Jobcentre Plus as the first stage of your complaints process and escalate the participants' issue to the next stage in your complaints procedure.
- 15.21. Jobcentre Plus will deal independently with any remaining issues relating to its services.

### **Referral of a complaint to the Independent Case Examiner (ICE)**

- 15.22. Complainants should be advised that they can escalate their complaint to the Independent Case Examiner within six months from the date of the final response that you issue.
- 15.23. On receipt of a complaint, ICE will contact you to confirm that each step of your internal process has been completed. If they feel that you have not completed your process satisfactorily you may be asked to revisit some steps to seek resolution before ICE are prepared to investigate further. You must deal with any correspondence of any nature from ICE within the stated timescales or at least within five working days.

### **The role of the Independent Case Examiner (ICE)**

- 15.24. The ICE is an independent office holder, supported by Department for Work and Pensions staff. The ICE does not act on behalf of participants, but as an independent arbiter.
- 15.25. The ICE Office has two primary purposes:
- To provide a free complaint resolution and investigation service to individuals who are unhappy with the final response to their complaint from the relevant DWP Agency, Business or Work Programme Provider;
  - to support DWP Agencies, Businesses or Work Programme Providers in improving their services, by highlighting where things have gone wrong and making constructive recommendations based on the complaints the ICE Office identify. Recommendations might be systemic in nature or case specific.
- 15.26. ICE has three stages of complaint examination, which will be applied to any complaints made about Providers. At every stage, you, the Provider, will have

the opportunity to give your version of events and offer any supporting evidence.

### **Stage 1: Resolution**

15.27. If a complaint is relatively straightforward, and the participant has reasonable expectations about what the Provider could do to resolve it, ICE will liaise between the parties involved and try to reach an agreement which is satisfactory to all. If a complaint is resolved at this stage then no determination of fault will be made and no recovery will apply.

### **Stage 2: Settlement**

15.28. If the complaint cannot be resolved, ICE will request the case papers from the Provider to establish what happened. Equipped with this information ICE will be in a better position to consider what needs to be done to put matters right, and what redress might be appropriate. Following the review of case papers, ICE will propose a way forward. If you agree the actions that ICE propose, and the participant is satisfied that they address their complaint, the case will be closed. Again, no determination of fault will be made and no recovery will apply.

### **Stage 3: Investigation Report**

15.29. If ICE is unable to reach an agreement between the participant and the Provider which satisfies the customer that their concerns have been addressed, it will prepare an ICE report. The report will set out its findings in respect of each element of the complaint. Where appropriate it will identify areas of maladministration and include recommendations which will focus on what needs to be done to put matters right and provide appropriate redress (including potential financial redress).

15.30. ICE will send you a draft, allowing you the opportunity to check factual accuracy and comment on proposed findings and recommendations. You will be expected to provide any comments on the draft within stated timescales (or not more than five working days). Your comments will be considered (though not necessarily accepted) by ICE before the report is finalised.

15.31. If a complaint is upheld against you at this investigation stage, £5,000 will be recovered from you to go towards funding the ICE service for provider complaints in the following year. There will be an annual review level of recovery between DWP and Work-Programme Providers.

15.32. Providers will also be liable to pay any financial redress deemed by ICE to be due to the customer. ICE will apply DWP policy when considering if any redress is due to the customer: [Compensation for poor service: a guide for DWP staff](#).

### **How does the ICE make a decision?**

15.33. The ICE Office will conduct its investigations by reviewing all the existing evidence, and comparing what happened (or was most likely to have happened based on the evidence) with any agreed processes or published standards for the Provider concerned. If the ICE judges the treatment received by the customer to be below or not in accordance with the agreed standards the complaint would be upheld. If there are no agreed standards relevant to the case, ICE will apply a 'reasonableness test' to the circumstances of the case.

### **Learning from complaints**

15.34. ICE will send the Prime Provider a copy of the final report. This will offer feedback on the complaint that has been considered. Any systemic improvements – for example, the need for clearer wording in a standard letter or leaflet – will be raised with you as soon as a problem is identified. The ICE also produces an annual report which details trends and key findings from the findings of the previous year. Examples of previous reports can be found on the [ICE website](#).

### **The Parliamentary and Health Service Ombudsman (PHSO)**

15.35. The Provider has no right of appeal against ICE's decision. However, if the customer is unhappy with the outcome of the ICE investigation they can ask their MP to take their case to the PHSO. If the PHSO accepts their case, he may recommend different or additional financial redress for the customer, which the Provider would also be liable to pay.

For more information, please visit the [ICE website](#).

**Annex A: Standard wording for your final response to the customer.**

A.01 If you are not happy with this response, you can ask the Independent Case Examiner (ICE) to consider your complaint. You should contact them within six months from the date of this letter. The ICE service is provided by the Department for Work and Pensions (which includes Jobcentre Plus) and offers a free, impartial resolution service, but does not consider matters of law or government policy. ICE can be contacted at:

**Independent Case Examiner's Office**  
**PO Box 209**  
**Bootle**  
**L20 7WA**

**Phone: 0800 414 8529**

**Email address: [ice@dwp.gsi.gov.uk](mailto:ice@dwp.gsi.gov.uk)**

**Website: [Independent Case Examiner](#)**

**Parliamentary and Health Service Ombudsman**

A.02 You can also, at any time contact your MP who may be able to send your complaint to the Parliamentary and Health Service Ombudsman. The Ombudsman normally (but not always) expects you to have exhausted both the provider complaints process and the ICE services before accepting a complaint for investigation. The Ombudsman investigates complaints that government organisations have not acted properly or fairly or have provided a poor service. To find out more, please contact:

**The Parliamentary and Health Service Ombudsman**  
**Millbank Tower**  
**Millbank**  
**London**  
**SW1P 4QP**

**Phone: 0345 015 4033**

**Website: [Parliamentary and Health Service Ombudsman](#)**



## Chapter 16: Sharing Work Programme management information with Local Authorities

**Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only**

16.01 This chapter covers:

- [Management Information that may be shared with local authorities](#)
- [The requirement for local authorities to sign a confidentiality agreement](#)
- [How to ensure individual data cannot be identified from shared Management Information](#)
- [Detailed background and further information](#)

### Management Information that may be shared with local authorities

16.02 Management Information you are allowed to share with local authorities includes:

- management Information on referrals and attachments, including data on volumes.
- management Information on job starts, including data on volumes.
- management Information containing volumes data for job outcomes or sustainments **may not** be disclosed.

16.03 Management information for job outcomes and sustainments may only be presented as percentage breakdown by payment group e.g. proportional data on job outcomes or sustainment outcomes (e.g. x% of outcomes are for payment group y, z% of outcomes are for people who have a disability).

16.04 You may choose whether or not you share management information with a local authority in the contract package area in which you deliver Work Programme provision.

### The requirement for local authorities to sign a confidentiality agreement

16.05 Prior to sharing any information, you must ensure that the local authority that you propose to share information with has agreed to and signed the confidentiality agreement provided below.

16.06 You must also identify the local authority representative who will be responsible for ensuring that the confidentiality agreement is maintained. The confidentiality agreement can be accessed here: [Local Authority Confidentiality Agreement](#)

### **How to ensure that individual data cannot be identified from the shared Management Information**

- 16.07 You must ensure that when sharing management information individual personal data cannot be identified.
- 16.08 To ensure this you must round any data to the nearest 20.
- 16.09 If the data has row and column totals there is a chance that the unrounded figures could be deduced. Therefore any totals should be recalculated after the rounding has been done.
- 16.10 Rounding the data reduces the risk of comparison between different tables and reports leading to disclosure of personal information. If using ad-hoc or bespoke reports there is a greater risk that comparing tables would disclose personal information.
- 16.11 In some circumstances, where unrounded cell sizes are small, this can make the rounded totals very different to the actual totals. In these circumstances the low cell size of the unrounded data could mean it is also of little value as Management Information. In these circumstances, consider whether the data needs breaking down into as much detail as was initially considered.

### **Detailed background and further information**

- 16.12 You must indicate clearly to the local authority which information has been published and is in the public domain, and which information is internal management information for the local authority only.
- 16.13 It is recommended that providers engage with local authorities to identify what management information they may want and how and when the information will be shared.
- 16.14 You may suspend data sharing with any or all local authorities at any point, without prior approval from DWP.
- 16.15 DWP may require providers to suspend the sharing of Work Programme management information with any or all local authorities at any point and is particularly likely to do so if the information shared is disseminated to any other recipients other than those permitted by the terms of a provider's contract and the confidentiality agreement.