

Withdrawn

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Quality Assurance Framework (QAF) - Work Programme Provider DMA Referrals

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Contents

Introduction.....	4
Background	4
Using the QAF Checklist.....	5
Completing the QAF checklist.....	6
The Standards	6
WP Standard Indicators.....	9
Supporting guidance for Standards and Indicators	9
Notes.....	9
When to undertake QAF checks?	9
How many checks should I undertake?	9
Providing Feedback.....	10
What if someone disagrees with my check findings?	10
Insight into the LMDM side of the process	10
Annex 1 – Hints and Tips (WP08).....	13

GLOSSARY OF ABBREVIATIONS USED IN THIS GUIDE

ASE	Actively Seeking Employment
DM	Decision Maker
DMA	Decision Making and Appeals
DWP	Department for Work and Pensions
ESA	Employment and Support Allowance
FTA	Failure to Attend
FTP	Failure to Participate
HLS	Higher Level Sanction
ILS	Intermediate Level Sanction
JSA	Jobseeker's Allowance
JSAg	Jobseeker's Agreement
LM DMA	Labour Market Decision-Making and Appeals
LMS	Labour Market System
LV	Leaving Voluntarily
LLS	Lower Level Sanction
MISC	Misconduct
MAN	Mandated Activity Notification
PP	Permitted Period
QAF	Quality Assurance Framework
RE	Refusal of Employment
SAPOE	Schemes for Assisting Persons to Obtain Employment
WP	Work Programme
WPP	Work Programme Provider

Introduction

This QAF is being introduced as part of a number of continuous improvement activities across the Labour Market Decision Making processes within the WP.

The aim of this QAF is to support providers to make referrals at a consistently high standard enabling the Labour Market Decision Makers (LMDMs) to make a decision. It is a tool for use by Managers to use to identify and address staff training needs which in turn will lead to:

- A reduction in cancellations due to incomplete or incorrect referrals
- A reduction in nugatory work

To ensure the full benefits are realised you will need to commit to giving full and active management support by committing to investing time in the process.

Background

Why is a QAF required?

If a referral outcome does not result in a sanction being applied, it could be a result of the information on referral forms (WP08, WP09 and WP10) not being as detailed or as accurate as they could be.

The QAF is straightforward to use, evidence based (based on fact not claims and opinions) and based upon agreed standards supported by a legal framework and the policy guidance.

The Labour Market Decision Making teams and Jobcentre advisers also use a version of the QAF.

The benefits of using a QAF

There are a number of reasons why it is beneficial to use a QAF. In respect of DMA referrals, the benefits include:

- A reduction in referral cancellation rates
- A reduction in nugatory work, that will free up adviser time
- Ensuring you take a standard approach to completing your DMA referrals, throughout all your teams and supply chain
- Enabling you to identify individual training, development needs and have meaningful discussions.
- If and when a need is identified, ongoing issues or trends can be raised within the WP provider organisation
- DWP's reputation is also a driving factor. A level of assurance can be given to the Minister that an appropriate standard is equitably applied to benefit referrals for all claimants
- Better results will increase 'motivational relevance' of sanctions from your organisation to staff and participants

- Enables WP provider advisers to take responsibility for developing and maintaining their own skills and will help advisers to collect evidence about their performance which will help them to focus on their self development.

Using the QAF Checklist

The Checklist 'requirements'

It is preferable for the checker to be fully conversant with all the WP policy guidance as they need to draw out standards of consistency in completing provider referral forms (WP08, WP09, and WP10).

The [QAF checklist](#) requirements are limited to a check against a series of [indicators](#) that support overall [standards](#) and whether the checker feels the adviser has met this or not.

It is assumed that any adviser subject to a QAF check would have previously completed any relevant training if applicable and reached an acceptable level of understanding and knowledge of:

- What the law requires a provider to do; and
- What the law limits a provider to do

The role of the checker is to confirm that the information available has been used correctly to complete the referral form and if incorrect, withdraw the referral before it is sent. Although it is accepted that procedural errors might arise, the main purpose of the check is to ensure the quality and accuracy of the information recorded on DMA provider referral forms (WP08, WP09, and WP10) meets the required standards, and confirm that the referral can be submitted to DWP.

This brief provides an outline of the standards expected and the level of detail needed to satisfy a QAF Checking Regime. Additional technical references are also included within this document to support managers and checkers with their understanding of the training and knowledge that advisers are expected to use in meeting requirements (i.e. the Work Programme DMA referral process).

The checker should refer to WP provider guidance if clarification is needed. It is important to note that the role of the checker is to establish that the relevant information has been included to enable the LMDM to make a correct and timeous decision, otherwise the referral should not be sent.

Further sources of information can be found in Work Programme provider guidance products, available by accessing the following links:-

- [Work Programme Provider Guidance](#) – contains the actions and policy background for eligibility, mandation and sanction referrals.
- [Provider Direct Guidance](#) – is a telephone service that can be used by advisers when a Work Programme participant has failed to participate in a mandated activity (**prior to raising the WP08**) to ascertain the status of the participant when determining whether it is appropriate to raise a WP08
- WP08 Hints and Tips (see [Annex 1](#)) – provides a detailed breakdown of what should go in each section of the WP08, along with good and bad practice.

Completing the QAF checklist

The QAF checklist has been developed to provide a consistent approach to checking the referral before it is sent and providing feedback to WPP advisers.

The checker is expected to use a QAF checklist for every sampled referral form, using the following steps:

1. Complete section 1 – although not part of your check, it is important to ensure feedback relates to the correct referral
2. Complete section 2. To accurately decide whether or not the 6 standards in section 2 have been met, refer to the relevant linked indicators (e.g. Standard 1 - the claimant (JSA/ESA) participating on the WP on a mandatory basis) in section 3 and these will help you decide if a standard has been met
3. If any of the indicators/standards are not met or you want to clarify any information before making a decision; you can use the Supporting evidence (section 4) which provides the link between the checklist and WP provider guidance products
4. Having identified whether or not the referral has met the overall standard, complete section 5.
5. Section 5 should contain any feedback from sections 2, 3 and 4 (positive/negative) whether standards have been met
6. If necessary, take immediate action to stop the referral if it has failed the standards check (and potentially associated referrals that have not been checked in this sample) before it is sent.

The Standards

In the section 2 of the QAF checklist, the aim of the check is to identify whether national guidance or legislation has clearly been followed i.e. the 'standards' have been met.

There are 6 standards that should be met. Within each standard are further statements (the indicators in section 3) that will assist the checker in determining whether a specific standard has been met or not.

To link up the standards and their associated indicators, they have been linked together where appropriate. It may cut across several standards depending on the referral e.g. (Vulnerable claimants only) The safeguarding steps have been taken before considering the referral and these are detailed on the form – this applies to the standards 1, 3 and 4.

Please Note: some indicators will not apply to all scenarios. Apply as appropriate to each referral.

1. The crucial issues are correctly identified and the referral is focused on these

*Crucial issues are those on which the decision turns and any which are disputed.
Indicators to consider are:-*

- The claimant (JSA/ESA) participating on the WP on a mandatory basis

WPP DMA Referral Quality Assurance Framework

- (Vulnerable claimants only) The safeguarding steps have been taken before considering the referral. If safeguarding was undertaken but not successful the details need to be detailed on the form
- Was the written MAN handed/posted in enough time before the activity date
- Were the doubts regarding a participant's entitlement to JSA documented in full
- (JSA mandated Work Experience only) Did claimant's acts or omissions amount to misconduct?
- Are the claimants personal details accurate/up to date?
- Claimant did not attend at the time/on the date and place on the date stated in the MAN is fully documented
- If the claimant failed to participate during the mandated activity, how they failed to participate was this fully documented?
- If the claimant did volunteer an explanation for not attending/participating was it fully documented?
- Did the claimant try to re-arrange the appointment prior to activity?, if so please explain why this was not agreed
- The claimant agreed a date to undertake the mandated activity?
- Did the claimant undertake the re-compliance mandated activity?
- Your decision and date that the claimant was 'no longer required to undertake the mandated activity at that time' is documented

Please Note: An Employment and Support Allowance (ESA) participant, who has a current sanction which was imposed for a failure to participate before 3rd December 2012, cannot be subject to a further sanction until re-engagement has taken place. If you were to mandate a participant who is already sanctioned and subsequently raise a compliance doubt, the referral would be returned 'cancelled' by the Labour Market Decision Maker (LMDM).

2. The necessary information was correctly input on to the provider referral form

Advisers are expected to use information that they hold when producing each referral, this may include previous behaviour linked to the referral. The checker needs to consider:-

- Have all sources of information (databases etc) been checked to ensure it is relevant to raise a referral?
- If applicable, has any related historical information been included to support the referral?
- Has the correct version of the referral form been used
- The claimants personal details accurate/up to date

3. All the relevant facts and WP policy guidance has been applied correctly

Advisers are expected to understand the policy guidance relating to mandating claimants participating in the WP. You will need to consider:-

- (Vulnerable ESA claimants only) The safeguarding steps have been taken before considering the referral. If safeguarding was undertaken but not successful the details need to be detailed on the form
- The correct sanction warning message was included on the MAN
- Has the WP08 hints and tips guidance tool been utilised?
- Did the claimant receive a written MAN?

WPP DMA Referral Quality Assurance Framework

- Was the re-compliance condition agreed and letter sent to the ESA claimant at the time of raising the WP08?
- If sent by email, was it sent to the correct linked BDC LM DM designated Administration Team address?
- If sent by email, did it only contain the standard content in the narrative box of the email?
- If sent by Email, did the form go to the correct benefit centre address?
- If the re-compliance was disputed by the ESA participant, the date and the rejection reason was fully documented
- Did you check if the claimant has any employment availability restrictions?

4. The adviser is neutral and the claimant has been treated fairly

The adviser has started from a neutral point and has not prejudged the case. There has been no bias. You need to check that:-

- The correct sanction warning message was included on the MAN
- Did the claimant try to re-arrange the appointment prior to activity?, if so please explain why this was not agreed
- (Vulnerable claimants only) The safeguarding steps have been taken before considering the referral. If safeguarding was undertaken but not successful the details need to be detailed on the form
- Was the written MAN handed/posted in enough time before the activity date?

5. If applicable, the outcome was supported by the referral

The outcome may or may not result in a sanction or cancellation, which may be a result of the information the adviser supplied on the referral. The checker needs to confirm:-

Was the outcome of the referral supported by the referral, if not, why not?

Please Note: if you decide to undertake the check before the LMDM decision, please input 'YES' in the standards table but input 'pre-LMDM decision check' in the adjacent free text field.

The outcome of the responses recorded above will determine the final standard.

6. The decision meets the final standard overall

This field should be recorded as met providing the responses to the applicable standards above are met.

A decision that fails on one or more of these points will not reach the required standard (section 2), and therefore **must not be sent** otherwise it will be cancelled.

WP Standard Indicators

In the section 3 of the QAF checklist, there is a series of statements (indicators) to support the standards for each form, which will help assess and develop feedback against the overall standards for each type of referral form.

The table has three drop downs for the three different WPP referral forms (WP08, WP09 and WP10). To support each dropdown option, a different set of indicators are featured.

To link up the standards and their associated indicators, they have been linked together where appropriate. It may cut across several standards depending on the referral e.g. (Vulnerable claimants only) The safeguarding steps to mandate the claimant have been taken and detailed on the form – this applies to the standards 1 and 3.

For every sampled referral, you may use different indicators. This may depend on the type and/or circumstances of a claimant e.g. whether they are entitled to JSA or ESA.

Supporting guidance for Standards and Indicators

In section 4 of the QAF checklist, a dropdown list of statements is available to support the standards/indicator questions. Each statement provides a link to relevant WP provider guidance.

Notes

In section 5, use this free text section to gather information for your feedback.

When to undertake QAF checks?

You may choose to undertake the checks whenever you like. However, our recommendation is, to achieve the greatest benefits ([described above](#)), checks should be made prior to the referral being sent. One major benefit is that you may be able to avoid a referral being cancelled.

If you decided to do a check in conjunction with the referral outcome be aware this may be some time after the referral was raised, any improvements in quality and a reduction of your cancellation rate will not be apparent until some time later.

How many checks should I undertake?

The QAF checks can be undertaken as often as you see fit. DWP undertake their LMDM decision QAF checks on a rolling quarterly basis. A minimum of 6 checks per LMDM per quarter are undertaken.

If you have doubts about the quality of any of your adviser's work or their experience, you should use the framework to conduct additional checks where appropriate. The results are for you to use to feedback to your advisers and plan to address on an ongoing basis, any issues/training needs.

The checker is responsible for randomly selecting the cases for checking.

The [spreadsheet](#) provides a summary of:

- The standards required;
- The questions to check to confirm the standards have been met (and where to find these on a referral); and
- Links to the detailed guidance to support an in-depth knowledge of a particular decision type.

Providing Feedback

Using the outcomes of a QAF check in conjunction with the knowledge and experience of the adviser will influence how you give their feedback. You should ensure any feedback (both positive and negative) is given to the adviser once a QAF check is undertaken.

If you decided to do a check in conjunction with the referral outcome be aware this may be some time after the referral was raised, you should take steps to discuss the QAF checklist results with the adviser to identify improvements or training needs as appropriate.

What if someone disagrees with my check findings?

These QAF checks are internal checks and so where issues do arise, they should be resolved through local discussion. If an adviser doesn't agree with the findings, at that stage an informal discussion could take place between the checker and adviser, allowing them to explain how they completed the referral.

When both parties understand how they have reached their decisions, it is expected that such issues can be resolved accordingly.

In cases where this is not possible, you could consider escalation to your WP Performance Manager if there is an issue over WP policy interpretation.

Insight into the LMDM side of the process

In addition to the WP provider guidance for the completion of **WP08**, **WP09** and WP08 Hints and Tips ([Annex 1](#)), the following information will give a useful insight into the LMDM side of this process.

The LMDM must establish that the claimant has failed, without good reason, to participate in the SAPOE scheme (JSA) or failed to undertake work-related activity (ESA) and then make a decision accordingly.

A sanction may be appropriate if

- The claimant is entitled to JSA / ESA; and
- The claimant failed to participate or undertake work-related activity without good reason.

WPP DMA Referral Quality Assurance Framework

Evidence to support a sanction would need to show that:

- Claimant was correctly notified of the SAPOE Scheme and
- The claimant has been offered the opportunity to provide reasons for failing to participate to the LMDM or undertaking work-related activity and good reason has not been shown to the LMDM.

Examples of LMDM Standards Met

WP08 received from provider stating that Jon failed to attend an appointment on 13/8/12. WP08 confirmed that Jon had been properly notified of this appointment. WP12 was sent to the claimant, asking for a response within 10 days, but no reply was received. The DM decides to impose a sanction of four weeks, as this is Jon's first failure.

Examples of LMDM Standards Not Met

Danny was notified to attend a Work experience on a voluntary basis on 13/8/12. Danny attended the Work experience on a voluntary basis but was asked to leave due to his conduct as he was swearing at customers and staff. A sanction was imposed for 13 weeks as Danny had not previously failed to participate in the WP.

The DM imposed a sanction based on the information from the placement provider without asking the claimant to provide his reasons for failing to participate.

AVAILABILITY

In addition to the WP provider guidance for **WP10**, the following information will give a useful insight into the LMDM side of this process.

A claimant is entitled to JSA if they are available for employment.

The DM is required to consider-

- Is the claimant available for employed earner's employment?
- Is the claimant willing and able to take up employment within the appropriate timeframes?
- Any restrictions the claimant may have imposed on their availability;
- Whether the claimant can be 'treated as' available; and
- Is the claimant a member of a joint claim exempt from being available for employment.

Example of LMDM Standards Met

Simon has caring responsibilities on Monday and Wednesday. On Friday 16 June he is offered a job which starts on the following Monday 19 June. Simon says that he is not available to start work on Monday 19 June because he has caring responsibilities. He will not be able to start work until Friday 23 June because he needs time to organize someone to take over responsibility his caring.

Simon is still willing and available to take up employment within one week's notice. He is available.

Example of LMDM Standards Not Met

- a) The DM decided that the jobseeker is not available for 40 hours or more in a benefit week, but the evidence clearly shows that the jobseeker was available for more than 40 hours in that week.

WPP DMA Referral Quality Assurance Framework

- b) The jobseeker states, "Attending a funeral of a close relative and not available for work." The DM allows the case, treating the jobseeker as available for employment. The Jobcentre has noted the case papers that the jobseeker has been treated as available for this reason on 4 occasions during the last 12 months.

ACTIVELY SEEKING EMPLOYMENT (ASE)

In addition to the WP provider guidance for **WP10**, the following information will give a useful insight into the LMDM side of this process.

In order to be entitled to JSA a claimant/member of a joint claim must also be ASE.

The DM is required to consider:

- If the claimant/member of a joint claim has a claim for JSA;
- The type of employment the claimant/member of a joint claim is seeking;
- The steps that the claimant/member of a joint claim took in the weeks in question;
- Whether the steps offered the claimant/member of a joint claim with the best chance of getting employment and it appears reasonable that these steps could have been taken, then the claimant can be 'treated as' ASE.

Example of LMDM Standards Met

Tanya has been unemployed for two weeks. Tanya is seeking work as a computer operator or as a computer programmer. She has various formal qualifications including a degree in computer programming. There are a number of vacancies in this field in the local area. Tanya has been doing this type of work for the past year. During this benefit week she contacts a specialist employment agency at least once regarding suitable vacancies. She has also visited the local library to read specialist professional magazines and apply for suitable vacancies. She has applied for one vacancy with a local firm as a computer operator. She has also made one speculative approach to a local company by sending her CV. As she has no fixed address, she has spent four full days looking for accommodation. She has contacted several housing associations and the local council. She has also viewed numerous private properties. The DM has allowed the case because she has taken all of the steps that were reasonable for her in that week.

Example of LMDM Standard Not Met

Mark has been sanctioned for ASE, but the evidence shows that the claimant was treated as unavailable, under regulation 14(2), for 3 days due to the death and funeral of his close friend, Clive during the benefit week in question. The claimant should therefore have been treated as ASE and not sanctioned

Annex 1 – Hints and Tips (WP08)

Please refer to the following [link](#) for more information.

Please Note: In due course, similar products for other WPP forms will be produced to support WPP.