

# Withdrawn

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## Chapter 6: Raising a compliance doubt

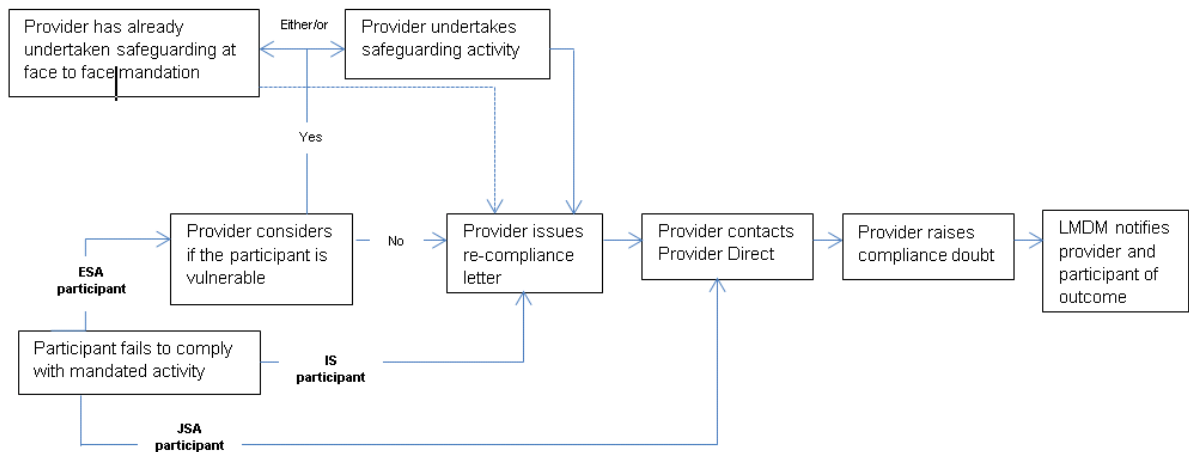
### Contents

Raising a compliance doubt that attracts a Lower Level sanction .....	2
Making the Refusal of Employment (RE) DMA referral that attracts a High Level sanction – JSA participants only .....	4
LMDM notifies provider and participant of the sanction outcome .....	5
Detailed background and further information .....	5
What is the relevance of Decision Making and Appeals (DMA) in the Work Programme? .....	5
Raising a compliance doubt that attracts a Lower Level sanction .....	6
DMA and good reason .....	6
Making the Refusal of Employment (RE) DMA referral that attracts a Higher Level sanction – JSA participants only .....	8
Completing and Sending the WP08 or PRE01 – by unencrypted email ....	10
Completing and Sending the WP08 or PRE01 – Clerically .....	13
Special Customer Records .....	14
Information volunteered after the WP08 or PRE01 referral is made .....	14
LMDM notifies provider and participant of the outcome .....	15
ESA/IS Lone Parent participants .....	16
Rearranging a mandated activity prior to activity date .....	17
Provider Direct .....	17
Decisions, Reconsiderations and Appeals .....	18
Decision Making and Appeals (DMA) referrals Quality Assurance Framework (QAF) .....	19



## CPA18 Work Programme Provider Guidance

### High Level Must Dos



### Raising a compliance doubt that attracts a Lower Level sanction

1. When you mandate a participant to an activity and they fail to carry out the activity, you must raise a compliance doubt on form [WP08](#).
2. The only instances where you would not raise a WP08 are:
  - where the claimant is a vulnerable Employment and Support Allowance (ESA) participant and during safeguarding activities you identify they did not understand the mandatory requirement or sanctions consequences - further information regarding safeguarding can be found in [CPA18 Work Programme Provider Guidance Chapter 4b – Safeguarding and vulnerability](#)
  - where the [Provider Direct](#) service advises you not to
3. If the participant is a Lone Parent in receipt of Employment and Support Allowance (ESA) or Income Support (IS), an activity to re-comply must be decided and notified to the participant prior to completing the WP08 form. Further information can be found in [CPA18 Work Programme Provider Guidance Chapter 7 – Re-compliance and reviewing a sanction](#).
4. If the participant is in receipt of ESA and was transferred to you from the outgoing provider you should take particular note to ensure there is no current decision outstanding and that the participant has undertaken the correct steps to re-engage.
5. One compliance doubt form (WP08) must be completed per participant for each instance of failure to carry out the activity.



## CPA18 Work Programme Provider Guidance

### Actions

- Contact Provider Direct service who will advise you whether or not a compliance doubt referral is appropriate.
- Consider if an ESA participant is in a vulnerable group. If the ESA participant is classified as vulnerable, you must undertake safeguarding activities before raising a compliance doubt. Further information regarding safeguarding can be found in [CPA18 Work Programme Provider Guidance Chapter 4b – Safeguarding and vulnerability](#).
- ESA/IS Lone Parent participants only: issue the participant the notification in [Annex 1 of CPA18 Work Programme Provider Guidance Chapter 7 – Re-compliance and reviewing a sanction](#) stating what activity they must undertake to re-comply.
- Complete a compliance doubt referral (WP08) form and include any supporting evidence, for example volunteered participant statement, re-compliance activity (ESA/IS Lone Parent participants only), relevant supporting information from the Mandatory Activity Notification (MAN). All supporting evidence must be noted on the WP08 form, no additional documents should be included.
- To complete form [WP08](#) to send by unencrypted email refer to [sending the WP08 or PRE01 - by unencrypted email](#) and send to Birkenhead Service Centre dedicated email address.
- To complete form WP08 to send clerically, refer to [Completing and sending the WP08 or PRE01 – clerically](#) and post to Birkenhead Service Centre.

### Consequences

If you do not complete safeguarding activities for vulnerable ESA participants this may result in a sanction being imposed where the participant has not understood the mandatory requirement or sanctionable consequences.

If you do not agree a re-compliance activity for ESA or IS Lone Parent participants you may unnecessarily prolong their loss of benefit payments.

If you do not complete the WP08 form where appropriate this will result in a compliance monitoring failure if the referral is selected.

Where you fail to undertake the WP08 process timeously, the link between cause and consequence will be weakened.

If you do not include all the relevant information on the WP08, this could result in cancellations and a poor adverse decision rate.

If you do not raise a compliance doubt where appropriate the participant may continue to fail to engage with the programme.



## CPA18 Work Programme Provider Guidance

### Background

6. Further detail is provided in the [Detailed background and further information Section](#).

### **Making the Refusal of Employment (RE) DMA referral that attracts a High Level sanction – JSA participants only**

7. When you mandate a participant and it has been determined that a participant has refused/failed to apply for or take up employment, you must undertake the actions below before completing RE referral form ([PRE01](#)).
8. One compliance doubt form (PRE01) must be completed per participant for each instance of refusal/failure to apply for or take up employment.

### Action

9. Before you complete a PRE01:
  - ensure the suitability of the vacancy (you will have undertaken this action as part of your original considerations prior to mandation but you should ensure nothing has changed)
  - ensure the vacancy is not exempt from RE action, such as a Work Trial, or a self employed vacancy
  - ensure the vacancy is in line with any agreed availability or employment restrictions on the participant's availability (as notified by Jobcentre Plus)
  - you **must** contact the Provider Direct service who will advise you whether a compliance doubt referral is appropriate.

### Consequence

If you mandate the participant to an opportunity that is not reasonable in their circumstances, a compliance doubt referral may be cancelled by the LMDM.
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- To complete form PRE01 refer to [completing and sending the WP08 or PRE01 – by unencrypted email](#) and send to Birkenhead Service Centre dedicated email address.
- To complete form PRE01 clerically refer to [Completing the WP08 or PRE01 – clerically](#) and send to Birkenhead Service Centre.

### Background

10. Further detail is provided in the [Detailed background and further information section](#).



## CPA18 Work Programme Provider Guidance

### **LMDM notifies provider and participant of the sanction outcome**

11. You will receive a copy of the outcome of the compliance doubt or refusal of employment either by unencrypted email or by post. This will depend on the method you are using to send the referral – refer to [Detailed background and further information](#). This is irrespective of whether the participant has had a sanction imposed or not.
12. If the participant has stopped claiming benefit, before or during the decision making process, you will receive a copy of the sanction decision detailing the change of circumstances as appropriate.

### **Actions**

- Continue to engage with 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 further WP08 or PRE01 referrals.
- Further information can be found in [CPA18 Work Programme Provider Guidance Chapter 5 – Change of circumstances](#).

### **Consequence**

If you do not update your records following LMDM notification that an ESA participant is vulnerable, subsequent referrals which suggest that the participant is not vulnerable will be cancelled following the four week grace period. Further information regarding the grace period can be found in [CPA18 Work Programme Provider Guidance Chapter 4b – Safeguarding and vulnerability](#).

Any failure to take note of LMDM feedback or the referral outcome may adversely affect your ability to engage with the participant.

### **Background**

13. Further detail is provided in the [Detailed background and further information section](#).

## **Detailed background and further information**

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

14. When a participant takes part in the Work Programme, they are taking part in a scheme established by law under the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013 and the Jobseeker's Act 1995 section 17A.
15. For ESA the Work Programme is governed by sections 13 and 15 of the Welfare Reform Act 2007 and the Employment and Support Allowance (Work-Related Activity) Regulations 2011.



## CPA18 Work Programme Provider Guidance

16. For IS Lone Parents Work Programme legislation is covered by the Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014
17. It is a programme designed to help certain participants enhance employment prospects and gain opportunities to develop skills and disciplines associated with a normal working environment. DMA is used to support you (via compliance doubt process) to encourage participation in the programme with sanctionable consequences for non-compliance.

### **Raising a compliance doubt that attracts a Lower Level sanction**

#### **Failure to take part in the Work Programme**

18. A participant could be deemed as failing to take part in the Work Programme if they do not carry out a mandated activity. This may be where they fail to attend a mandated activity or refuse to take part fully. This could also include where they leave voluntarily or are asked to leave due to inappropriate behaviour.
19. Participation can be given a very broad meaning as the participant is informed when selected to participate in the Work Programme that their responsibilities are to:
  - make the most of the help the provider gives
  - treat the provider and other participants politely, fairly and considerately
  - attend meetings or take phone calls at the times agreed
  - complete any activities the provider tells you to do.
20. Therefore, 'participation' can include attending interviews and appointments at an agreed time with the provider, as long as the participant is duly notified.

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

21. Good reason is not defined in the 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 LMDM will take account of all of the facts of the compliance doubt before coming to a decision.
22. Do not ask the participant for a good reason to determine whether or not to raise a WP08. If the [exceptions](#) do not apply, you have no option but to raise a doubt once the participant has failed to carry out a mandated activity, irrespective of whether or not they have offered an explanation afterwards. The LMDM will consider the reasons given and make the good reason decision.
23. Once a compliance doubt has been raised, the participant will be asked by the LMDM to provide good reason for not complying. This is even



## CPA18 Work Programme Provider Guidance

where you have recorded any reasons volunteered by the participant when referring a compliance doubt.

24. The LMDM will take into account all of the circumstances and evidence presented and will determine whether or not there was good reason for failure to take part in the Work Programme.
25. The LMDM should also consider any previous history of the participant's failure to take part in the Work Programme. This behaviour may be relevant as evidence of credibility of the evidence that has been presented to support good reason on this occasion.
26. It is therefore important that you also provide any information in the compliance doubt that may provide additional background.
27. There is no time constraint for a participant to show good reason. The LMDM 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.

**For example:** a participant was issued with a request for good reason today. The LMDM is aware that the participant lives in a remote area where postal delays are well known and therefore the LMDM sets a reasonable 10 day time limit in respect of these circumstances. The participant still hasn't replied by the 10th day so the LMDM makes a decision to disallow on the basis that the participant has had a reasonable length of time to reply.

28. However, information which is received late by LMDM, but merely serves to verify or clarify evidence which was received, can be taken into account.
29. It is therefore important that if you receive any volunteered information from the participant relating to the compliance doubt **after** the WP08 has been sent, you communicate this to the LMDM Administration Team in Birkenhead Service Centre. There is no specific form/template for this 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 to the LMDM by letter or telephone, as agreed locally.

### Good Reason and MAN/MEN letters

30. You should not include a copy of the MAN/MEN with the WP08 referral form. However, you are required to keep copies of the MAN/MEN available as you may be asked to provide a copy if the participant is sanctioned and disputes the decision.





## CPA18 Work Programme Provider Guidance

31. The legal requirement in the JSA Regulations explains that before the LMDM looks at whether the participant failed to take part without good reason, they have to be satisfied the participant was correctly notified. The relevant information on MAN/MEN is normally recorded on the WP08 form for evidentiary purposes and in the majority of cases this will be enough to satisfy the requirement.
32. However, if the participant raises the MAN/MEN as an issue in his good reasons then the LMDM 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 LMDM will require the MAN/MEN as evidence to support the appeal submission and this is the guidance that appeals officers are given.

### **Making the Refusal of Employment (RE) DMA referral that attracts a Higher Level sanction – JSA participants only**

33. As part of your contract you, your employees and subcontractors have been designated as Employment Officers (Emp O's) which enables you to mandate participant to apply for and take up employment opportunities and refer participants for higher level sanctions (13, 26 and 156 week sanctions) should they fail to apply or take up that employment opportunity.
34. Your employees are designated as Employment Officers for the purposes of section 19(2)(c) of the Jobseekers Act 1995. This means that a failure can be a sanctionable failure at the higher level where a participant without a good reason fails to apply for or accept if offered a situation in any employment which an Emp O has informed him is vacant or about to become vacant. An Emp O therefore means:
  - any person who is employed by you as a Prime Contractor (including for example contractors and temps) and who is employed to perform your obligations under your contract; and
  - any person who is an employee of an Approved Sub-contractor (including for example contractors and temps) and who is employed by the Approved Sub-contractor to perform your (as the Prime Contractor's) obligations under your contract
35. These powers mean you can mandate participants to appropriate, suitable employment opportunities. This may include:
  - making an application for an advertised vacancy (this may include sending a letter/email with an attached CV)
  - contacting an employer in relation to an advertised vacancy
  - attending an interview



## CPA18 Work Programme Provider Guidance

36. You will make a RE DMA referral direct to LMDM where you have mandated a participant to apply for or take up suitable employment and where a participant subsequently:

- refuses to apply for a job
- fails to apply for a job
- fails to attend an interview for that job
- refuses to accept a job which was offered, or
- fails to be offered a job due to their inappropriate behaviour

**Please Note:** Having Emp O status does not give you the power to decide whether a sanction applies and/or whether a participant can show good reason for any failure. That decision is made by a DWP LMDM and this should be made clear to the participant at all times.

37. If the LMDM decides a sanction is appropriate the participant's benefit will be stopped (or will be reduced, depending on their circumstances) for:

- 13 weeks
- 26 weeks if DWP have previously decided on one occasion, that the participant's benefit should be sanctioned because they committed any of the failures listed below, within 52 weeks (but not within two weeks) of their current failure
- 156 weeks (three years) if DWP have previously decided on two or more occasions, that the participant's benefit should be sanctioned because they committed any of the failures listed below, within 52 weeks (but not within two weeks) of their current failure.

**Please note:** See [paragraph 45 of CPA18 Work Programme Provider Guidance Chapter 3a – Mandation](#) for worked examples of how JSA sanction duration escalates very quickly.

38. The failures referred to above are, if, without good reason, the participant:

- through misconduct, lost employment as an employed earner
- voluntarily left such employment
- refused or failed to apply for, or accept when offered, any employment notified to them by an employment officer
- neglected to avail themselves of a reasonable opportunity of employment
- failed to take part in the Mandatory Work Activity scheme if they had been required to do so



## **Completing and Sending the WP08 or PRE01 – by unencrypted email**

### **Before you or your sub-contractors begin using unencrypted email**

39. DWP Operational Security have agreed an exemption to the DWP standard security requirements to allow you and your sub-contractors to send the WP08 or PRE01 forms to the LMDM Administration Team in Birkenhead Service Centre and receive decision notifications back from them, via unencrypted email.
40. Before you begin to use unencrypted email for the first time, there are steps you must undertake to comply with DWP security requirements. Therefore, you must email [DWP Security](#) 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.
41. Only those sub-contractors who have been formally approved as sub-contractors by DWP may use unencrypted email to send WP08 or PRE01 referrals.
42. Before you or your sub-contractors begin to send WP08 or PRE01 referrals via unencrypted email, you must have provided your DWP Performance Manager and your Service Centre Single Point of Contact (SPoC) with the SPoC names, contact details and generic inbox addresses for you and your sub-contractors whom you have permitted to use the unencrypted email process, and agreed the date from which the you and your sub-contractors will begin to send WP08 or PRE01 referrals via unencrypted email with both your DWP Performance Manager and Service Centre SPoC.
43. If you wish to allow a new sub-contractor to begin to send WP08 referrals via unencrypted email, you must provide your DWP Performance Manager and your Service Centre SPoC with their SPoC name(s), contact details and generic inbox address(es) and agree the date from which the new sub-contractor will begin to send WP08 or PRE01 referrals via unencrypted email with both your DWP Performance Manager and Service Centre SPoC.
44. If you decide that you or one of your sub-contractors no longer wish to use the unencrypted email process, you must notify your DWP Performance Manager and Service Centre SPoC of the date you wish this change to be effective from as soon as possible. You should agree with your Service centre SPoC whether any outstanding decisions will either be sent to an alternative inbox address or returned clerically to an address you choose.



## CPA18 Work Programme Provider Guidance

### Completing the WP08 or PRE01 form by unencrypted email

45. When completing the WP08 or PRE01, ensure all relevant information from the MAN or MEN is included on the WP08 or PRE01 form (especially supporting information, for example volunteered participant statement, background information - as appropriate).
46. When making a RE DMA referral, you must use the [PRE01 template in Work Programme Provider Guidance Chapter 18](#)
47. WP08 only: If the participant is a vulnerable ESA participant, explain what steps you have taken to ensure they understand the mandatory requirement and consequences of failing to carry out the mandatory activity.

**Please Note:** (ESA/IS Lone Parent participants only) Prior to the compliance doubt completion, an activity to re-comply must be decided and notified to the participant using the notification in [Annex 1 of CPA18 Work Programme Provider Guidance Chapter 7 – Re-compliance and reviewing a sanction](#).

48. A copy of the MAN or MEN or other documents is not required. No documents may be attached to the WP08 or PRE01 form, all relevant information must be noted on the form itself.
49. Please be aware that it is a key security requirement that **only** one WP08 or PRE01 form must be included per email. You cannot, for example, include several WP08 or PRE01 for the same participant in one unencrypted email.
50. Ensure that the correct email address for the return of the sanction decision is included in the WP08 or PRE01 form.

**Please Note:** This must be the generic inbox address that the decision notification is to be emailed to, not the individual adviser address.

51. The Provider Correspondence address should be the postal address to which any queries or further correspondence should be sent by the LMDM.
52. Email the completed WP08 or PRE01 form to your dedicated email address at Birkenhead Service Centre.

### Emailing the WP08 or PRE01 form to the Service Centre

53. The WP08 or PRE01 must be emailed to the designated email address of the LMDM administration team in Birkenhead Service Centre.
54. Each email must never contain more than one WP08 or PRE01 form per email.
55. Each email must contain **only** the following standard content:



## CPA18 Work Programme Provider Guidance

56. Standard wording to be displayed in email 'Subject Box':

- WP08 or PRE01
- participant's surname
- National Insurance Number – only last three characters

57. Standard wording to be displayed in email 'Narrative Box':

- sender contact details.

58. Email attachment: Completed WP08 or PRE01 form.

**Please Note:** No other information may be transmitted by unencrypted email.

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

60. It is important that the WP08 is completed and sent as soon as possible, to ensure that there is a clear link in the participant's mind between failure to carry out a mandated activity and the sanction that can be applied.

### **Clerical contingency**

61. There may be occasions when due to circumstances such as IT failure you are temporarily unable to transmit referrals via unencrypted email to Birkenhead Service Centre.

62. In these circumstances you must ensure that your Service Centre SPoC is kept informed of the situation and how long you anticipate it lasting.

63. If you anticipate the situation will continue for 48 hours or longer you must revert to making clerical Failure to take part in the Work Programme DMA referrals until the problem is resolved and you are able to use the unencrypted email referral route again.

64. Your Service Centre SPoC should be kept updated prior to you starting to make clerical referrals and informed prior to you beginning to use the unencrypted email process again.

65. If the Service Centre is unable to email decision notifications to you due to circumstances such as IT failure, your Service Centre SPoC will contact you to inform you of the problem. If it is anticipated that the problem will be rectified within 48 hours, the Service Centre SPoC may ask you to temporarily stockpile any referrals to avoid the Service Centre inbox becoming overloaded when the system becomes available again. If it becomes apparent that the problem may continue beyond 48 hours, your Service Centre SPoC will contact you to request that you revert to making clerical referrals until further notice.



## CPA18 Work Programme Provider Guidance

### Completing and Sending the WP08 or PRE01 – Clerically

66. When you have identified a compliance doubt you must complete a WP08 or PRE01 form.

**Please Note:** (ESA /IS Lone Parent participants only) Prior to the compliance doubt completion an activity to re-comply must be decided and notified to the participant using the notification in [Annex 1 of CPA18 Work Programme Provider Guidance Chapter 7 – Re-compliance and reviewing a sanction](#).

67. When completing the WP08 or PRE01 form, ensure all relevant information from the MAN or MEN is included (especially supporting information, for example volunteered participant statement, background information as appropriate).
68. A copy of the MAN or MEN is not required. No additional document should be attached to the WP08 or PRE01 form, all relevant information must be noted on the form itself.
69. You should print out the WP08 or PRE01 and send securely to the LMDM Administration Team in Birkenhead Service Centre. Further information regarding sending documents securely can be found in [Generic Provider Guidance Chapter 8 - Information Security](#).
70. You must ensure the correct address is included for the return of the sanction decision.
71. The LMDM will make decisions in the date order the doubts are received. This could mean sanctions may be imposed immediately after one another.
72. Therefore it is important that you:
- send daily (if possible) or as soon as is possible after the date of failure to take part in the Work Programme – ensuring the link between cause and consequence is maintained
  - avoid batching WP08s or PRE01s – batching over a period of time until you have a self-determined quantity to send could mean a delay between date of failure to take part in the Work Programme and LMDM receipt and will impact on LMDM resource
  - include the name and contact phone number of the advisor who completes the WP08 or PRE01, to allow the LMDM Administration team to quickly contact them should the need arise
  - ensure that you inform your DWP Performance Manager of any changes relating to you or your sub-contractors, as this will impact on how you communicate to Birkenhead Service Centre
73. These factors could individually/collectively contribute to delaying a sanction decision being made.





## CPA18 Work Programme Provider Guidance

74. It is important to note that the relevant information for the MAN should be transposed onto the WP08 or PRE01 form rather than the MAN itself being attached. This is because the LMDM 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 in order to show good reason.

**For example:** a participant is notified that they are required to carry out a Work Programme activity. They fail to carry out the mandated activity and explain the reason why they did not attend the activity was because they thought that they would not gain the skills that they thought they needed. The LMDM considers whether this is good reason for the participant not carrying out the activity. The LMDM need not consider the notification issue, it can be assumed that the participant was correctly notified.

### Special Customer Records

75. If the participant is identified as having a Special Customer Record (SCR), the completion of the 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 request for review of a sanction for SCR participants and those participants with MAPPA status will remain clerical.
76. Your Nominated Officer should complete the form, ensure that 'SCR participant' is marked clearly and securely send to the Nominated Officer in the relevant LMDM Administration Team. Further information can be found in [Generic Provider Guidance Chapter 2 - Delivering DWP Provision](#).
77. 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 Provider Guidance Chapter 8 – Information security](#).

### Information volunteered after the WP08 or PRE01 referral is made

78. If you receive volunteered information from the participant relating to their refusal or failure to take part or apply for a vacancy after the WP08 or PRE01 has been sent (for example they state that they subsequently applied) you must communicate this to the designated LMDM Administration Team in Birkenhead Service Centre. There is no specific form/template for this process.

**Please Note:** Any additional information must be communicated to the LMDM by letter or telephone, as agreed locally.



## CPA18 Work Programme Provider Guidance

### Further information required by LMDM

79. Where the WP08 or PRE01 form is not correctly completed or unclear, the LMDM may contact you for further information. It is important you ensure correct contact details are included on the WP08 or PRE01 form.

**Please Note:** Any additional information requested by the LMDM must not be sent to them using the unencrypted email process. The security exemption permitting the transmission of the WP08 or PRE01 form does not cover the transmission of any other information.

### LMDM notifies provider and participant of the outcome

80. Where a decision on a doubt you have referred is made, you will receive a copy of that decision. If you are using the unencrypted email process, you will be emailed a copy of that decision from the LMDM to the designated email inbox address you noted on the WP08 or PRE01 form.
81. When you have received the outcome notification of the compliance doubt, make a note against your participant records.
82. For ESA and IS Lone Parent participants you are required to give the participant opportunity to re-engage and therefore need to be aware of any pending decisions or decisions made. Further information regarding this can be found in [CPA18 Work Programme Provider Guidance Chapter 7 – Re-compliance and reviewing a sanction](#).
83. In some cases, the decision may contain additional information regarding potential improvements to your compliance doubt referral. It is recommended any advice is taken on board and/or discussed at any Work Programme improvement meetings.

### WP08 or PRE01 returned with no decision

84. A WP08 or PRE01 referral may be cancelled by the LMDM and returned to you with the reasoning. This reason could be:
- when they find out that the participant was not in receipt of benefit at the point at which they failed to carry out the Work Programme activity. A decision notification detailing the change of circumstances will be sent to you as appropriate
  - during the decision-making process the LMDM may identify that the ESA participant is vulnerable following a change in their circumstances. In the first instance, the LMDM will not cancel the referral and instead progress the referral. You will receive notification of vulnerable status via sanction notification decision, and a four-week grace period will apply, starting from the date the notification is issued. Any referrals received within this period will not be cancelled. Any referrals received after this period which suggest the participant is not vulnerable will be cancelled





## CPA18 Work Programme Provider Guidance

- the referral is for an IS Lone Parent and was made during the two week easement period following a previous benefit sanction (see para 52 [CPA18 Work Programme Provider Guidance Chapter 3a – Mandation](#)).
- where a compliance doubt referral has been cancelled due to the Work Programme provider having the wrong customer address, the LMDM will note the correct address on the decision letter.

**Please Note:** If you are using the unencrypted email process the WP08 or PRE01 form will not be emailed back to you. The LMDM will email a decision notification informing you of the cancellation.

### ESA/IS Lone Parent participants

85. Sanction action can only be taken by the LMDM if the participant understands that the mandatory activity is part of their Work-Related Activity (WRA) requirements for mandatory ESA/IS Lone Parent participants. Further information about mandation and ESA/ IS Lone Parent sanctions can be found in [CPA18 Work Programme Provider Guidance Chapter 3a – Mandation](#).
86. You are expected to continue to work with the participant. However, should the participant subsequently fail to participate with a new mandated activity, you must raise a compliance doubt.

### Reconsideration of mandated activity for ESA/IS Lone Parent participants

87. ESA/IS Lone Parent participants may request a reconsideration 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, reconsider if the activity remains reasonable and appropriate in the participant's circumstances.
88. Requests for a reconsideration 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.

### Work experience on a voluntary basis

89. When a JSA participant is mandated to maintain basic standards of behaviour with a work experience host employer and is subsequently dismissed, you must make arrangements to take compliance doubt action.
90. You must ascertain if the dismissal was due to behaviour that has fallen below acceptable standards and is considered to be gross misconduct. Gross misconduct is considered to be failure to take part in the Work Programme. Further information regarding gross misconduct can be found in [CPA18 Work Programme Provider Guidance Chapter 3c – Work experience on a voluntary basis and community benefit work placements](#).



## CPA18 Work Programme Provider Guidance

91. If you consider that the participant has committed gross misconduct you will need to complete the WP08 form. You are expected to make your own arrangements regarding how you get information about an incident of gross misconduct from the host employer.

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

92. When a JSA or ESA participant is undertaking community benefit work placements they will have been mandated to do so using the normal mandation process. If they to take part in community benefit work placement you must take compliance doubt action. Further information regarding community benefit work placements can be found in [CPA18 Work Programme Provider Guidance Chapter 3c – Work experience on a voluntary basis and community benefit work placements](#).
93. You are expected to make your own arrangements regarding how you get information about the failure to take part from the host employer. You will need this information to complete the WP08 form.

### **Rearranging a mandated activity prior to activity date**

94. You do not need to complete a WP08 if prior to the participant undertaking a 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 [CPA18 Work Programme Provider Guidance Chapter 3a – Mandation](#).

### **Provider Direct**

95. Provider Direct is a national telephone service which is available to providers when a participant has failed to participate in a mandatory activity.
96. The service is to help providers make appropriate and quality referrals, which will help to reduce the number of DMA cancellations.
97. You **must** contact Provider Direct to making a compliance doubt referral, to confirm there has been no change in circumstances that would make the referral inappropriate.

**Please Note:** Provider Direct is not available for Universal Credit claimants.

98. The Provider Direct agent will confirm the contact details you hold for the participant, and consider any changes in their circumstances.
99. They will advise you whether a compliance doubt referral is appropriate or not. If they advise you not to raise a compliance doubt, they will inform you of the reason. Further information regarding the Provider Direct service can be found in [Provider Direct \(Work Programme\) Provider Guidance](#).

### **JSA Hardship Provision**



## CPA18 Work Programme Provider Guidance

100. Where a sanction is imposed on a participant for either failure to take part in the Work Programme or due to a JSA entitlement doubt raised by Jobcentre Plus, their benefit will be affected for the period of the sanction.

**Please Note:** The sanction is only applicable to the participants' individual benefit, so in the case of a joint claim, the partner's proportion of JSA would be unaffected (unless the partner already had a sanction of their own).

101. However, if eligible the participant may be able to make a claim to hardship provision which if the claim was successful would make a hardship payment. Unless the participant is deemed as being in a vulnerable group they will have to wait for 14 days before being eligible of hardship. The hardship payment will provide a reduced rate of benefit to provide a minimum level of financial support.
102. If a participant asks about or requests information on JSA hardship provision you should direct them to their Jobcentre Plus office.

### ESA Hardship Provision

103. Where a sanction is imposed on an ESA participant for failure to take part in the Work Programme their benefit will be affected for the period of the sanction.

**Please Note:** The sanction will only applicable to the participants' personal allowance. Their Work Related Activity Component will remain in payment.

104. If an ESA participant receives a sanction they will be eligible to apply for hardship provision from day 1 of the sanction. The participant will continue to receive the Work Related Activity Component. The hardship that a participant could be entitled to is 60% of the single persons prescribed amount. The participant will only receive hardship payments if they are eligible and these will only be paid from the day they make the claim for a hardship payment.
105. If a participant asks about or requests information on ESA Hardship provision you should direct them to their Jobcentre Plus office.

### Decisions, Reconsiderations and Appeals

106. 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.
107. 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



## CPA18 Work Programme Provider Guidance

in support of the change of decision. Please note that a claimant can request a reconsideration without having had an explanation.

108. 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.
109. You should advise the participant of the process and the timescales and direct them to the appropriate Jobcentre Plus office.

### Hints and Tips Guide

110. Please see [the Hints and Tips \(WP08 interactive version\)](#) guide or [Hints and Tips \(WP08 static version\)](#) guide before completing the WP08.
111. Please see the [Hints and Tips \(PRE01 static version\)](#) guide before completing the PRE01.
112. This has been developed to help ensure that you enter all of the relevant information before submitting it to the LMDMA team for a decision. Following the guide will help to minimise the number of cancelled decisions.

### Decision Making and Appeals (DMA) referrals Quality Assurance Framework (QAF)

113. In addition to the WP08 Hints and Tips guide, there is also a [DMA referrals QAF tool](#) to help sample check referrals before they are sent to ensure they are at a consistently high standard enabling the LMDMs to make decisions. The QAF is in the form of an interactive checklist, to support overarching standards for all DMA referrals.