



Customer Guide to Sanctions Practical advice and tips to support Jobseekers on JSA and Universal credit

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Advice & tips

This booklet provides some practical advice and tips to support a job seeker aged 18 years and over when claiming benefits. It does not replace the activities a claimant is required to undertake. However, it will give a more in-depth explanation on what is expected from a jobseeker by the Department for Work and Pensions whilst claiming Jobseekers Allowance or Universal Credit.

New measures came in for pre-Work Programme Jobseeker's Allowance (JSA) claimants from 28 April 2014 and, from the summer, for those Universal Credit claimants who are subject to intensive work search requirements.

Claimants who fail to comply with any mandatory requirement may be subject to sanctions and their benefit could be affected.

Day One conditionality

Day One conditionality will be phased in between 28 April and October 2014. It will require claimants to show that they are taking positive steps to find work from day one of their claim. People who claim via JSA Online will be asked to set up an email address, prepare a suitable CV and to register on Universal Jobmatch. Jobseekers who do not claim online will be helped to complete these requirements by their work coach.

Quarterly Work Search Interviews

Claimants will be required to attend a 20 minute Interview every 13 weeks to review the previous quarter's activities, their skills and their Jobseeker's Agreement/Claimant Commitment as well as to widen the scope of their work search.

Weekly Work Search Reviews

Weekly work search reviews will also be phased in between 28 April and October 2014 for 50 per cent of claimants. Work coaches will decide which claimants would benefit from an extra weekly face-to-face review at points in their claim when it would be most beneficial.

Jobseekers Agreement

Existing JSA claimants will have a Jobseeker's Agreement. This will set out the things a claimant has agreed to do to find work. A claimant must meet regularly with a Jobcentre Plus adviser to show that they are able to start work and are looking for a job. It also allows Jobcentre Plus to check that the claimant is doing the activities agreed in their Jobseeker's Agreement.

Most people must be ready to start full-time work straight away. But some people may need more time. If the claimant:

:

- provides a service, a claimant must be ready to start work within 24 hours;

- is involved in voluntary work, a claimant must be able to start work within one week, but must be ready to go to an interview within 48 hours;
- is a carer, a claimant must be able to start work within one week, but must be ready to go to an interview within 48 hours
- works part-time, a claimant must be able to start work straight after the period of notice the law says they must give their employer to end their contract.

A claimant must agree to sign their Job Seekers' Agreement to be eligible for Jobseekers Allowance. However, they should not agree to something that they are not prepared or able to do - it will only cause problems later on.

Claimant Commitment

Universal Credit Claimant Commitment: When someone makes a new claim to Universal Credit they are required to agree a claimant commitment. One of the main changes with the claimant commitment and the culture being adopted by the DWP is the claimant is expected to do all they can 'reasonably be expected to do' to look for work given their circumstances. Generally this means far less use of minimum numbers of steps, and there is no definition of 'reasonable', so individual claimant commitments can/could look very different depending on the claimant circumstances.

JSA Claimant Commitment: When someone makes a new claim for JSA or returns to JSA from the Work Programme they will attend an interview with a Work Coach. At the interview they will agree a personal plan outlining what the claimant will do as part of their Claimant Commitment to give themselves the best chance of finding work. This could include regular specific tasks and training opportunities.

The claimant commitment will record the requirements placed upon a claimant in return for their payment of Jobseeker's Allowance. The Commitment will also explain what will happen if they do not comply with those requirements, clearly setting out the sanctions they could face.

Acceptance of the claimant commitment is central to ensuring a claimant understands the requirements placed up on them. If a claimant refuses to accept their claimant commitment then they will not be entitled to Jobseeker's Allowance or Universal Credit.

Where a claimant refuses to accept their claimant commitment DWP will allow a 'cooling off' period to give the claimant the opportunity to reconsider their decision and to understand the consequences of their decision.

Claimant Responsibilities – basic structure

DWP expect Jobseekers Allowance claimants to do all they reasonably can to move into work, more work or better paid work (as now, although most JSA claimants will be unemployed, some could be in part time work). To support this, the Welfare

Reform Act 2012 introduced provisions for four basic types of work related requirement that claimants must meet. They are:

- **Work-focused interviews:** attend periodic interviews to discuss plans and opportunities for returning to work (immediately or in the future).
- **Work preparation:** actions to prepare for work – such as attending training courses, preparing a CV or taking part in the Work Programme.
- **Work search:** take all reasonable action and any particular specific actions to find work – such as applying for suggested vacancies or registering with a recruitment agency.
- **Work availability:** be available and willing to immediately take up work.

The specific work (e.g. the type and hours of work) that a claimant is required to look and be available for will be tailored to the individual. The application of work-focused interview and work preparation requirements is discretionary.

What work must JSA claimants search for and be available for:

JSA claimants can be expected to look, and be available, for full time work of any type. However, where appropriate given the claimant's circumstances and capability this will be restricted e.g. by limiting work search and availability to certain types of job or certain hours of work.

Hours of work will be limited where:

- The claimant is the responsible carer for a child aged 5 to 13 (hours limited to school hours);
- They have a physical or mental impairment;
- They have other caring responsibilities.

DWP can, if decided appropriate, permit the claimant to restrict availability for up to 3 months to a particular occupation and/or level of pay in line with current or previous work as long as they have a reasonable expectation of getting such a job. It may also be limited where the claimant has a physical or mental condition that warrants limitations to work of a particular nature.

Claimants will be expected to seek work within 90 minutes travel time from their home unless they have caring responsibilities or a physical or mental condition.

Lifting work search and work availability requirements:

Work search and work availability requirements will always apply to JSA claimants unless the claimant faces a temporary circumstance which means they cannot reasonably be expected to comply or are exempted. These circumstances include:

- The claimant is attending a court or tribunal as a party to any proceedings or a witness.
- The claimant is sick, for 2 periods of no more than 2 weeks, in any annual period. The claimant may self-certify for a period of up to 7 days but will need a medical certificate for longer periods.
- The claimant is temporarily absent from GB such as because they are receiving medical treatment, attending a job interview or taking a child abroad for treatment.
- It is within six months of the claimant suffering bereavement where the deceased person is their partner, child or the person they were caring for.
- The claimant is a victim of domestic violence and is within six months of the incident being reported, for a period of three months.
- The claimant is in structured recovery orientated drug or alcohol treatment programme (exemption period will vary).

Universal Credit Claimant Commitment: The content of a claimant commitment must be agreed with a DWP Work Coach. It will set out what steps a claimant must undertake in return for receiving Universal Credit. One of the most important sections is the 'work related requirements' that are expected of the claimant.

To be eligible to receive Universal Credit a claimant must accept and sign a claimant commitment.

Once a claimant commitment is accepted a claimant will be placed into one of the four following groups:

Claimants subject to no work-related requirements:

- people with limited capability for work-related activity because of health or disability – i.e., those in the support group for employment and support allowance;
- lone parents or the main carer in a couple with a child under one;
- carers with regular and substantial caring responsibilities for a severely disabled person;
- people earning above a set threshold.

Claimants subject to the work-focused interview requirement only:

- lone parents or the main carer in a couple with a child over one but below the age of five;
- lone foster carers or the main carer in a fostering couple, with a foster child under the age of 16;
- people who have become the main 'family and friends carer' for a child in the past year;

This group are expected to attend periodic interviews to discuss their plans for returning to the labour market.

Claimants subject to the work preparation requirement:

- people with limited capability for work because of health or disability i.e., those in the work-related activity group for ESA;
- This group are expected to take reasonable steps to prepare for work, such as attending a skills assessment, improving personal presentation, participating in training or an employment programme, and undertaking work experience or a work placement.

Claimants subject to all work-related requirements:

- everyone else - the default for claimants including lone parents and the main carer in a couple with children over the age of five.

This group is subject to a work search requirement (including making applications and registering with employment agencies) and a work availability requirement (subject to limitations as agreed), as they would under jobseeker's allowance.

Claimants in the “all work-related requirements” group have a responsibility to find work. Claimants should treat this responsibility as their “job” and DWP’s intention is that claimants should aim to spend as many hours looking for work as DWP would expect them to spend in work i.e. if a claimant is looking for full-time employment they are expected to be looking for work a minimum of 35 hours per week.

Work search expectations will differ for each claimant depending on their individual circumstances and job goal. The Work Coach will tailor requirements for each claimant, setting activities which will give each claimant the best prospects of finding work.

If a Work Coach sets any work preparation activity, such as attending a training course or any such relevant community work, it will effectively be offset against the time a claimant is expected to spend looking for work. DWP will also take into account any voluntary or paid work the claimant is engaged in.

It should be noted that not all work search has to be conducted within usual business hours, for example online work search is not limited to business hours. As long as claimants meet their work search requirements, they are free to plan the hours they undertake this to suit their circumstances. Claims will not be affected where an individual has notified their Work Coach that they are attending a verifiable job interview.

In addition, travelling expenses may be refunded for pre-arranged interviews in connection with benefit claims, where the claimant is asked to attend more frequently than the minimum fortnightly schedule.

What is likely to be included in the claimant commitment:

- What a claimants work related requirements are;
- Depending on the work-related requirements are, it can include details of what specific things a claimant must do and by when;
- How much a claimants Universal Credit will be reduced by, and for how long, if they do not meet their requirements;
- What kind of changes or circumstances which need to be reported and what happens if they are not;
- A claimant has the right to challenge a decision to reduce their Universal Credit because they have not met their requirements.

What happens at a work-focused interview:

The purpose of a work-focused interview is to discuss how a claimant can remain in or obtain work. Subjects likely to be discussed at a work-focused interview include:

- Any work the claimant currently undertakes, including self-employment;
- How the can stay in work or increase their earning;
- Qualifications and training;
- Any medical condition or disability which may be a barrier to working;
- Caring or childcare responsibilities;
- Potential work or training opportunities;
- Accessing help and support.

What does preparing for work mean:

Some people must prepare for work by taking some of the action discussed in their work-focused interviews, but are not expected to look for or take a job. Work preparation can include spending a set amount of time on activities including:

- Having a skill assessment;
- Improving their personal presentation;
- Doing training;
- Participating in the Work Programme;
- Doing work experience or work placement

Looking for work:

A claimant must normally spend the number of hours that their claimant commitment says they should be available for work actually looking for work. It must also be accepted that the action gives the claimant the best chance of finding a job. This may include spending time on specific activities such as:

- Carrying out work searches;
- Applying for particular jobs;
- Maintaining an online profile;

- Registering with employment agencies;
- Cold calling employers;
- Seeking references

The difference between a JSA claimant commitment and a UC claimant commitment:

- **A UC claimant commitment requires the claimant to undertake and demonstrate work related activity for a minimum number of hours each week, if they are looking for full-time employment then this will usually be 35 hours per week. (see an example at Annex 1).**
- **A JSA claimant commitment, similar to a Jobseekers agreement requires a claimant to undertake and demonstrate a minimum number of steps each week to satisfy the terms of their commitment.**

What Jobcentre 'terms' mean

Available for work

One of the main conditions for receiving Jobseekers Allowance or Universal Credit requires a claimant to be "Available for Work" and "Actively Seeking Work".

Being Available for Work means taking active steps every week to find paid work, whether permanent or temporary and being ready to start work immediately (or 24 hours' notice if you work or study part time / 48 hours' notice for carers or voluntary work).

A claimant can potentially be treated as "Not Available for Work" if they:

- Refuse without good reason to apply for or take a suitable job and the vacancy still exists;
- Deliberately spoil their application or interview for a job;
- Fail to take up a reasonable offer of local short term work;
- Place unacceptable restrictions on availability in terms of hours, days and wages;
- Fail to attend an interview with their Work Coach;
- Fail or refuse to complete forms about availability for work.

A claimant is still counted as available for work if:

- they are on an employment related course of no more than 2 weeks in one year
- they have short periods of illness - at least 3 days and for a maximum of two weeks and then only twice in any year;
- In any week when for at least 3 days they are not available because a close friend / relative is seriously ill; there is a funeral of a close friend or relative; there is a domestic emergency affecting a close friend / relative or if someone the claimant has caring responsibility for dies;

- they are abroad for at least 3 days to attend a job interview and they let Jobcentre Plus know at least one week in advance;
- For up to 8 weeks if they have to take a child abroad for medical treatment;
- For up to 8 weeks if they are part of a couple with children and their partner is abroad, away from home, ill or looking after a sick relative.

A claimant is supposed to give advance warning if they are going away from home, even if this is only for a day. If a claimant chooses not to tell DWP that they are away because it is not their signing day, then they will need to be careful not to use "being away from home" as an excuse for being late signing on, not attending interviews, receiving letters, etc. If a claimant does go away, they are still required to continue actively seeking work and be available for work immediately.

Reasonable Employment

A claimant can only rigidly restrict the type of work they say they will do for the first 13 weeks, or if there are physical or mental reasons why they can't do certain jobs, or if they have a sincere, religious or conscientious objection to doing certain jobs e.g. this may include not working on a Sunday due to religious belief.

The claimant's Work Coach will take into account their skills, qualifications and experience; the type and number of vacancies within daily travelling distance and any jobs a claimant has been turned down for. So if a claimant has been unemployed and unable to find work for a long time they have to recognise that their chances of obtaining work are limited and they will be required to apply for any jobs they are able to do.

When a claimant attends their initial or any work-focused interview at the Jobcentre, a claimant may be asked some of the following questions. It is important to understand the potential consequences of the given response:

- **Are you able to work?** – Remember to be able to claim Jobseekers Allowance or Universal Credit (on the basis of those currently eligible to claim) a claimant must be able to work. If the response is No a claimant will not be eligible to claim JSA or UC.
- **Are you willing to work?** – Similar to the above, a claimant must be willing to work to be eligible to claim JSA or UC.
- **Are you looking only for temporary or casual work?** - Everyone has to look for permanent full time work. But if the claimant is about to start another job, or a course, they can look for only temporary or casual jobs. DWP will want to know when the job / course starts. A claimant will still be expected to show evidence of actively seeking work. If they are still signing on after that date DWP will want the claimant to look for permanent jobs.
- **What is your usual job?** – A claimant should put down the job they last did or the one they have done most often. Remember a claimant can look for

work in their usual occupation for up to 13 weeks after they first sign on. After that they have to look for any available work.

- **What types of jobs are you looking for?** – The Work Coach will not let the claimant write "Any" and it is probably not a good idea anyway. A claimant should put down jobs they are able to do and don't mind doing – a claimant is expected to apply for these types of jobs, the longer a claimant is out of work the greater the expectation is to apply for any reasonable job they are able to undertake. In addition DWP can also say a claimant's expectation are "unreasonable" - e.g. a claimant wishes to become a Doctor, but does not have the qualifications.
- **Do you have a disability or health problem?** – A claimant must be capable of work to claim JSA or UC. If there's a specific job(s) a claimant can't do for health reasons, they should inform their Work Coach. The claimant should make it clear that it doesn't affect their ability to work in general / do other jobs.
- **Do you have a written summary of your skills and abilities?** – A claimant will be expected to have a CV to support their job search. Failure to provide one by a specific date agreed with their Work Coach may potentially mean the claimant could be sanctioned. A CV is a useful tool giving a written description of a job seekers work experience, educational background and skills which is commonly requested by employers when advertising jobs. **The Highland Council Employability Team and partner organisations run Work Clubs throughout the Highlands. Work Clubs can offer support to job seekers including making a CV, telephone 01463 702912 for further details.**
- **Can you start work as soon as you find a job?** - To sign on a claimant must be available for work **immediately** (same day), unless they have a part-time job - they must be available at 24 hours' notice or if they are a carer (looking after a child or adult) or do voluntary work - 48 hours' notice.
- **What is the lowest wage you are willing to accept?** - This should be the going rate in the area for the job or the same as (but not higher than) your last job. A claimant can only restrict their availability for work on grounds of wages if they have a usual occupation and then for a maximum of 13 weeks. After that a claimant will have to consider anything which pays the National Minimum Wage as a minimum.
- **Are you doing any education or training?** - There are strict rules about claiming and doing courses (unless they're Jobcentre Plus courses). Full time students are not eligible for JSA - part-time students have to be doing a course involving less than 16 hours per week. The claimant's college must officially call the course "part-time" (less than 16 hours).

Part-time students are not exempt from the actively seeking work regime of the JSA. A part-time student may also be targeted to test their availability for work.

- **Do you want to limit the days and hours you are available for work?** – A claimant can specify a pattern of availability over the week e.g. 8am - 6pm Monday to Friday - which gives 50 hours, in addition a claimant, can say they are available for 8 hours between 8am and 6pm provided the total over the week is not less than 40 hours.

It is important the claimant considers their availability carefully, it is important to consider the type of work i.e. working 8am – 6pm is unrealistic if a claimant was looking for bar work. If the job goal usually involves Saturday or Sunday or evening / shift work then this should be included.

It is also important to remember whether it is feasible to get to the employer's premises if the claimant is dependant on public transport i.e. being available early morning, late at night or 24 hours a day could potentially lead a claimant into difficulties if they are refusing to apply for a vacancy because the claimant is unable to get to or home from work due to lack of transport.

- **What towns or areas are you looking for work in?** A claimant can only refuse to apply for a job that involves more than **90 minutes travelling each way**. If a claimant says they are willing to move, DWP may test this by suggesting vacancies in the areas a claimant has said they are willing to work in.
- **Please tell us how you are going to look for work:** A claimant should consider what is relevant to their circumstances and what activities they are comfortable undertaking, for example contacting employers, using Universal Jobmatch, looking in newspapers, consider registering with employment agencies and asking friends and family, etc.

How to record weekly activities

New benefit claimants will be at most risk of being sanctioned in the first 4-6 weeks of making a claim to Jobseekers Allowance or Universal Credit as they will not fully appreciate the conditionality regime which they are now required to comply with.

A claimant receives a huge amount of information both verbally and written during their new claims interview. Unless someone takes the time to read everything and think about their initial interview it will be quite possible the claimant is oblivious to what they have agreed and signed up to in their claimant commitment.

Think of it like this, generally very few people read the small print when they hire a car abroad; the majority of people experience no problems and return their hire car at the end of their holiday. However, a small minority will experience an issue and

when it comes to returning the car they will be 'hit' with additional costs as they have not read the agreement they signed.

Similarly a small minority of job seekers will agree to certain job search activities without realising the implications or even not being aware they have agreed to undertake an activity, the result.....they will be subject to a potential sanction!

Therefore, a claimant can mitigate the risk of being sanctioned by ensuring they have read and understood their claimant commitment and recording their job search activity appropriately both in Universal Jobmatch and 'My Work Plan' which DWP will issue at the claimant's new claim interview.

Universal Credit Claimant Commitment

The claimant has to agree specific figures with their Work Coach. As a legal contract they are saying they will do this every week in order to receive benefit. The unknown factor is what the claimant's Work Coach will regard as acceptable and how much pressure they will put on the claimant to "intensify their Job Search".

A claimant can decline to undertake a specific activity if they are able to demonstrate they stand more of a chance by carrying out a different activity, for example, a claimant may agree not to visit any employers premises, but they will increase the number of employers they will phone. Remember it is what is realistic for the claimant's circumstances and can be agreed with the Work Coach.

The important thing to remember is the claimant has to agree to what they are signing up to.

A claimant is supposed to take such steps "as can reasonably be expected" to find work. Recognised steps include:

- Applying for jobs in writing, personally or by phone.
- Seeking information on jobs from adverts, recruiting agencies and employers
- Registering with employment agencies and businesses
- Appointing someone else to help you find work
- Drawing up a CV
- Getting a reference from a previous employer
- Researching potential employers / occupations.

DWP must take into account your particular circumstances (e.g. skills, qualifications, length of unemployment) in determining what you can reasonably be expected to do.

Examples of how to record job search:

Remember in general a UC claimant commitment will expect the claimant to undertake a minimum of 35 hours job search activity per week.

- ✓ Decide how to break the 35 hours into manageable periods, for example

7 hours a day over 5 days, 5 hours a day over 7 days, etc. You could decide to do more but never less than 35 hours per week!

- ✓ What regular work search activities has the claimant agreed to? For example:
 - Check newspaper e.g. Inverness Courier on a Tue/Fri – This should be recorded as:
 - Tue – **30 mins** walk to/back from shop, plus **20 mins** reading paper – no suitable jobs; Total time recorded **50 mins**.
 - Fri – **30 mins** walk to/back from shop, **30 mins** reading paper – 2 suitable jobs. Total time recorded **60 mins**.
 - Apply 2 suitable jobs; prepare covering letter and CV **90 mins**.

This means a total of 3hrs 20 mins should be recorded for these activities – the claimant includes the time taken to get to/back from the shop.

- Searching the web including using Universal Jobsmatch, how long a claimant is online looking for work each day/week should be recorded.

90 minutes a day online over 7 days will account for 10hrs 30 mins.

- If a claimant contacts employer speculatively both over the telephone and by visiting the employer's premises face to face then again the time should be added together and recorded. Contact 3 employers by telephone, **3 x 10m** calls, total **30 mins**. Visit 3 employers **3 x 10m** face to face discussion, total **30 mins**. Plus a total of 2hrs 30 mins travel time to and from employer's premises.

The claimant should record a total of 3hrs 30m for this activity in this example.

- Attend Highland Council supported Work Club on a Wednesday morning 9am – 12 noon, **3hrs** recorded plus travel time for example, **15 mins** to and from the Work Club.

The claimant should record 3hrs 30 mins for this activity.

- ✓ What specific actions have been agreed? (these actions will be time bound for completion only)
 - Produce 3 variations of CV to be targeted at Customer Service, Retail and Admin employers.

This action takes the claimant for example 4hrs – this may be recorded in the job search activity for this particular week.

- Create a Universal Jobsmatch account.

This action takes the claimant for example 2hrs – this may be recorded in the job search activity for this particular week.

- Register with 8 different recruitment agencies (the work coach would likely suggest the appropriate ones).

This claimant takes 14hrs including travel time to undertake this activity and this should be recorded for the week that it took place.

By adding up the total time in the above example, the claimant has undertaken 40hr 50m job search in week meaning they have undertaken 5hr 50m more than the minimum standard required i.e. 35 hours work related activity per week. These 5hrs and 50 mins cannot be carried forward to the following week. The claimant has to ensure they carry out at least the number of hours work activity each week as set out in their Claimant Commitment

However, the claimant would not be recording the specific activities in the following weeks job search record, therefore if the regular job search activities took the same length of time i.e. 20hr 50m, the claimant would need to undertake a minimum of 14hr 10 min additional job search activity to meet the minimum 35hr per week job search activity.

JSA Jobseekers Agreement / Claimant Commitment

Remember JSA claimant commitment or a Jobseekers agreement requires a claimant to undertake and demonstrate a minimum number of steps each week to satisfy the conditions of entitlement to Jobseekers Allowance or Universal Credit

It is essential the claimant is able to demonstrate the activities they agree to undertake on a weekly basis in either of these documents, for example

To identify and apply for jobs I will:

- ◆ Write to at least 3 employers per week
- ◆ Phone at least 3 employers per week
- ◆ Visit at least 1 employers per week
- ◆ Look on Universal Jobmatch 7 per week
- ◆ Ask friends, families and people I have worked with before
- ◆ Look in these newspapers and trade papers
- ◆ How often will you look?
- ◆ Register with these employment agencies and contact them 1 times a week
- ◆ Other activities

Please note: This brief example means the claimant is undertaking at least 13 steps every week before adding in other activities, which through agreement with the Work Coach may mean the claimant is required to undertake in excess of 20 steps each week. Failure to demonstrate these steps on a weekly basis may mean the claimant could be subject to sanctions.

Effect of a JSA Sanction on Housing Benefit and Council Tax Reduction

When a claimant receives a sanction to their Jobseekers Allowance, the actual benefit is not paid for a specific period. However, their entitlement to JSA will continue provided they are meeting the conditions of their Claimant Commitment or Jobseekers Agreement.

Therefore claimants who are receiving passported Housing Benefit or Council Tax Reduction will continue to do so without interruption when a sanction is applied.

Effect of a Universal Credit Sanction on housing costs and Council Tax Reduction

When a claimant receives a sanction to their Universal Credit, their Universal Credit can be reduced from the overall award and not any specific element of that award. However, the amount of the sanction itself can never be more than the amount of the claimant's personal allowance element (or 50% of the personal allowance if a couple).

The sanction may be less than the claimants personal allowance, depending upon the specific circumstances of the claim, but never greater than the personal allowance if there are no earnings (or other deductions) to take into consideration from the claimants award of UC (where the award consists of personal allowance and housing costs).

Claimants will continue to receive the 'balance' of their Universal Credit without interruption when a sanction is applied.

Important

It is a claimant's responsibility to notify The Highland Council of all changes to their circumstances where they are in receipt of either Housing Benefit or Council Tax Reduction.

If a claimant has a sanction applied to their benefit then a change to the claimant's circumstances has taken place. Therefore, the claimant **must** notify The Highland Council of this change. Failure to do so may result in the claimants Housing Benefit or Council Tax Reduction claim being affected.

A claimant must tell The Highland Council about any changes **in writing** giving details of the change and the date of the change. They must also try to send any proof of the change e.g. the DWP letter notifying the claimant of their sanction.

To report your changes please contact The Highland Council Operations Team:

- visit a designated office at any Highland Council Service Point; or
- by post at PO Box 5650, Inverness, IV3 5YX

Reconsiderations and Appeals

If a claimant has been sanctioned, they can ask for a reconsideration of the decision. The claimant can dispute both the application of the sanction and its length. The claimant must ask for reconsideration within one month of the date unless they have good cause for lateness. Once the claimant receives a new decision, if they are still not happy with it they have one month from the date of the new decision in which to appeal against it. The claimant's appeal will be heard by an independent tribunal.

A claimant may have 'good reason' for failure to meet the work-related requirement. Factors that should be taken into account when deciding if you have good reason for failing to undertake an activity.

Jobseekers Allowance (Decisions made on or after 28 October 2013)

The claimant must:

1. Phone or write to Department for Work and Pensions (DWP) to ask them explain the decision.
2. Ask for the decision to be looked at again - this known as a 'mandatory reconsideration'.
3. Appeal the decision if they are unhappy with the mandatory reconsideration.

Ask for the decision to be explained

A claimant must tell DWP why they disagree with the decision. The telephone number and address will be on their decision letter. A claimant can ask for a 'written statement of reasons' to explain the decision if they are not happy with the explanation during the phone call or they can ask for the decision to be looked at again.

The claimant will get a written statement of reasons explaining the decision if they wrote to them. The claimant can ask for the decision to be looked at again if they are still unhappy with it.

Ask for the decision to be looked at again

A claimant can ask for the decision to be looked at again if they think DWP didn't have all the facts or got something wrong. This is known as a 'mandatory reconsideration'.

The telephone number and address will be on their decision letter, or they can go to their local Jobcentre Plus office. A claimant should explain why they think the decision is wrong and show any evidence you have to support this.

What happens next

DWP will write to the claimant to tell them they've made a new decision or the decision has not been changed. They'll send you 2 copies of the 'mandatory

reconsideration notice' which explains the reasons for changing or not changing the decision. DWP will telephone the claimant if they're not going to change the decision or going to change only part of it.

Appeal the decision

The claimant can appeal to the Social Security and Child Support Tribunal if they are still unhappy. The claimant should complete form SSCS1 and send the form and 1 copy of their mandatory reconsideration notice to the address on the form within 1 month of receiving their mandatory reconsideration notice.

The Social Security and Child Support Tribunal will let the claimant know if they can deal with their case. If they can't, they'll explain why. The tribunal is independent and can change the decision if they think it's wrong.

Late appeals

A claimant can appeal up to 13 months after the date of the original decision if they were, for example ill or in hospital, coping with bereavement or unable to send your appeal form, e.g. because of a postal strike. The claimant will need to explain why the appeal is late.

Universal Credit

A claimant can appeal a Universal Credit decision by first contacting the Department for Work and Pensions (DWP) and then appealing to a tribunal if they are still not happy with the response.

Before requesting an appeal

Before a claimant can appeal to the tribunal, they need to ask the DWP to look at the decision again. This is called 'mandatory reconsideration'. Mandatory reconsideration gives the claimant a chance to let DWP know if anything's changed, and gives DWP the chance to explain or change their decision.

A claimant can contact DWP by telephone or in writing, and make it clear why they are asking for mandatory reconsideration. The telephone number and address will be on their decision letter. The claimant will receive a 'mandatory reconsideration notice' as a response. A claimant should contact DWP within 1 month of the decision if they think DWP have overlooked something or if their situation has changed.

How to appeal

A claimant can appeal their decision if they are still unhappy with DWP's response in the mandatory reconsideration notice. A claimant will need to include their mandatory reconsideration notice with the application. The claimant should complete form SSCS1 and send it to the address on the form.

Help and support

Highland Council Employability Service

The Highland Council Employability Service offers a one to one support for people who face additional barriers into employability, training, volunteering and accessing services to suit their individual needs. These specialist advisers are available Highland wide in your local area. Please telephone 01463 702912 or email: employability@highland.gov.uk for further information.

Work Clubs

The Highland Council with partners run Workclubs. They are specifically targeted at the heart of the community. They offer support in looking and gaining a job in conjunction with benefit queries and on line IT support. Please telephone 01463 702912 or email: employability@highland.gov.uk for further information about Work Clubs in your area.

Highland Council Customer Income Maximisation Team

- ✓ Advise about all the benefits and other entitlements that are available
- ✓ Undertake benefit checks to ensure all entitled benefits are been claimed
- ✓ Provide assistance to complete relevant forms
- ✓ Offer advice and support to appeal against a decision when an application for benefit is turned down

Tel: 0800 090 1004

Highland Council Money Advice Team

- ✓ Work with Customer Income Maximisation to check customer receiving all entitled income
- ✓ Advise on what creditors can and can't do
- ✓ Discuss available options to help deal with debt
- ✓ Contact and negotiate with creditors.
- ✓ Provide advice and when appropriate, representation, where creditors are taking court action

Tel: 0800 090 1004

Citizens Advice Bureaux

Caithness
Tel: 01847 894243

Skye & Lochalsh
Tel: 01478 612032

Lochaber
Tel: 01397 705311

Nairn
Tel: 01667 456677

Ross & Cromarty
Tel: 01349 883333

North West Sutherland
[Tel: 01971 521730](tel:01971521730)

East Sutherland
Tel: 01408 633000

Inverness, Badenoch & Strathspey
Tel: 08444 994111



Annex 1

Claimant Commitment

Joanne Brown

National Insurance number: AB123456C

1. My commitment

I'll do everything I can to get paid work, and will receive Universal Credit payments to support me in this. The things I'll do are set out in this Claimant Commitment.

2. Finding and taking work

I'll look for and take any work I'm able to do, that:

- pays £6.19 an hour or more
- is within 90 minutes' travel from my home

I'm available for work for 40 hours each week. I can work on any day at any time.

I will:

- **apply for vacancies I'm told to apply for by my adviser**
- **attend and take part fully in job interviews I'm offered**
- **take up offers of paid work that I'm able to do**

If, without good reason, I don't do all these things, my Universal Credit payments will be cut by £10.20 a day for up to 3 years.

I will be available to:

- **attend a job interview immediately**
- **start work immediately**

If, without good reason, I'm not available as described, my Universal Credit payments will be cut by £10.20 a day for up to 91 days.

3. My actions for getting into work

My work search and preparation plan lists the things I'll do to give me the best chance of finding work quickly. This means I will normally spend 35 hours each week looking and preparing for work.

I will:

- **complete all the activities in Section 1 of my work search and preparation plan**
- **provide evidence that I've done my regular work search activities when required**

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If, without good reason, I don't do all these things, my Universal Credit payments will be cut by £10.20 a day for up to 91 days.

I will also:

- **complete all the actions and activities in Section 2 of my work search and preparation plan**
- **attend and take part in appointments with my adviser when required**

If, without good reason, I don't do all these things, my Universal Credit payments will be cut by £10.20 for each day until I:

- complete each action or another activity I've been told to do instead by my adviser; or
- arrange a new appointment

Once I've done this, my payments will be cut by £10.20 a day for a further period of up to 28 days.

If, without good reason, I don't apply for any specific jobs my adviser has told me to, as listed in Section 2 of my work search and preparation plan, my Universal Credit payments will be cut by £10.20 a day for up to 3 years.

I understand that Universal Credit may ask employers for feedback on:

- my applications for jobs
- job interviews I'm invited to.

4. Changes in my circumstances

I'll tell Universal Credit immediately about **any** changes in my circumstances that could affect my claim.

If I'm in paid work at any time, I'll tell Universal Credit if my job ends, within 5 days of leaving. I must make sure all my earnings are reported to Universal Credit, either by me or by my employer.

If, without good reason, I leave paid work or lose pay, either by choice or because of misconduct, my Universal Credit payments could be cut by £10.20 a day for up to 3 years.

If, without good reason, I don't tell Universal Credit within 5 working days that I've left a job, my Universal Credit payments will be cut by £10.20 for each further day that I don't tell Universal Credit I've left that job. Once I've done this, my payments will be cut by £10.20 a day for a further period of up to 28 days.

If I also have earnings from self-employment at any time, I'll tell Universal Credit the details of my self-employed income and expenses. I'll do this each month through the Universal Credit phone service. I'll be told what date I have to do this by each month, and I won't get my Universal Credit payments until I've done it. If I still haven't reported my self-employed income and expenses one month after this deadline, my Universal Credit claim will be stopped.

I must give Universal Credit information that I believe is correct and complete. I understand that if I don't report any changes that affect my Universal Credit claim as soon as possible, I may be prosecuted or other action may be taken against me. I also understand that I may have to pay a £50 penalty if there is an overpayment of Universal Credit to me and it was my fault.

5. Meeting my commitment

Jobcentre Plus will give me help and advice to support me in doing the things set out in my Claimant Commitment. I know how to contact Jobcentre Plus.

I'll phone Universal Credit in advance on 0845 600 0723 if I can't attend an appointment when I should.

If I don't meet all the requirements set out in my Claimant Commitment, I understand that my Universal Credit payments will be cut. The number of days they're cut for will depend on:

- how many times I haven't met my requirements in the previous 12 months
- which requirements I haven't met

I understand that the sanction rates for Universal Credit may change from time to time. The current rates at any given time will automatically apply to this Claimant Commitment. If there is any doubt about my claim it will be reviewed, which could lead to my Universal Credit payments being reduced or stopped. If a decision is made to reduce or stop my payments, this will be explained to me. If I disagree with the decision, I have the right to have it reconsidered or to appeal against it.

Signature.....Date.....

My work search and preparation plan

I'll spend 35 hours each week looking and preparing for work. This will include all the activities and actions in this plan.

Section 1: Regular work search activities:	How often
• Check the Nottingham Post on a Wednesday and Saturday and apply for any suitable jobs	2 times a week
• Check the "Fish for Jobs" website and apply for suitable jobs	2 times a week
• Cold call employers located within 90 minutes travelling distance of my home by visiting, telephoning and sending speculative written applications/CVs	4 times a week
• Following the creation of the Check Universal Jobmatch account, check the Universal Jobmatch account and apply for all suitable matched jobs	2 times a week

Section 2: Specific actions I will take:	By	Review
• Attend the 2 day interview skills/CV workshop @ Training 4U, Bath Lane, Anton - 30/31 Jan 2013	30/01/2013	06/02/2013
• Register with RetailChoice Employment Agency	01/02/2013	06/02/2013
• Attend the Library or Jobcentre to create a Universal Jobmatch account	16/01/2013	06/02/2013
• Produce 3 variations to the CV covering Customer Service, Office work, Hotel / hospitality	01/02/2013	06/02/2013

The information contained in this guide is not exhaustive and is for information purposes only and may not apply to your situation. The Highland Council believes the content is correct at the time of print however, details are subject to change.

The examples included in this guide are not intended to represent or guarantee that everyone will achieve the same results. Your own individual circumstances will determine any benefit entitlement or sanction including applicable rates.

If you are unsure about your entitlements, or any information contained in this guide, you should seek advice and support from a professional agency such as The Highland Council or your local Citizens Advice Bureau. The Highland Council will not be held responsible for any information in this guide which may be out of date or incorrect.

If you're on benefits or a low income and struggling to cope, help could be available from the Scottish Welfare Fund



Crisis Grants can provide people with a safety net in the event of a disaster or emergency.

Community Care Grants can help people who need essential household items such as a cooker or a washing machine.

Apply without delay at: www.highland.gov.uk/welfare-fund

Or Telephone: **0800 083 1887**