

Chapter 6 - Failure to Comply and Entitlement Doubts

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Introduction

1. This section details the action you need to take to raise an entitlement doubt because the claimant has failed to comply with the mandatory requirements of Skills for Work (Wales).

High Level Requirements

2. During this process you must:
 - identify a compliance doubt;
 - liaise with Jobcentre Plus to raise concerns within 24 hours;
 - complete form Skills 11;
 - issue leaver letter to claimant; and
 - update PRaP system within 48 hours.

Claimant fails to participate

3. Participation in the Skills for Work (Wales) programme is mandatory for all claimants referred. If a claimant fails to participate, you must inform Jobcentre Plus within 24 hours.
4. You should supply and keep supporting evidence, which includes information regarding:
 - failure to participate in, or to complete, the Skills For Work (Wales) programme;
 - refusing a place on the Skills for Work (Wales) programme when notified of the requirement to attend by Jobcentre Plus, demonstrated by a failure to attend the first day;
 - failure to attend or participate in any meeting or activity, having been notified of the requirement to attend by the provider without the previous agreement of the provider; and

- losing a place on the Skills for Work (Wales) programme through misconduct.
5. It is important that you keep full and accurate records as Jobcentre Plus may require more details to progress sanction activity.
 6. The sanction regime for the Skills for Work (Wales) programme is a four week sanction for the first offence, followed by a further 13 week sanction for a second offence within a 52 week period. For a third offence within a 52 week period of their last failure, a participant could be sanctioned for 156 weeks.
 7. It is very important that action is taken within the timescales outlined to enable a sanction to be raised against the claimant as soon as possible.

Claimant Fails to Start

8. If the claimant fails to attend the welcome meeting and initial assessment you should make every effort to establish the reason why. You will be expected to notify Jobcentre Plus by phone to raise a compliance doubt.
9. You must take the following steps in the above case:
 - access PRaP and record the claimant as 'did not attend interview';
 - complete form Skills 11 where requested to do so by Jobcentre Plus; and
 - issue a leaver letter to the claimant advising them that they are no longer required to attend the Skills for Work (Wales) Programme.

Claimant Fails to Attend Training

10. When the provider is notified that the claimant has failed to attend (FTA) training, you should make every effort to contact the claimant to establish the reason for non-attendance. If you are unable to contact the claimant you will be expected to notify Jobcentre Plus by phone to raise a compliance doubt.
11. You must take the following steps within two working days of an incident:
 - access PRaP and input an end date (the date the claimant last attended the training) and "no longer engaged";
 - complete form Skills 11 where requested to do so by Jobcentre Plus
 - issue a leaver letter to the claimant advising them they are no longer required to attend; and
 - complete the claimant's feedback form and send to Jobcentre Plus within 10 working days of the FTA.

Unacceptable behaviour and claimant exclusion

12. You may experience a wide range of behaviour from the individuals within the claimant group referred to Skills for Work (Wales). This may include those claimants who exhibit difficult, aggressive, or sometimes violent behaviour. However, you cannot select the people with whom you work.
13. If a claimant's behaviour is such that effective participation is not possible, in the first instance you must discuss this with Jobcentre Plus. If the decision is made to exclude due to misconduct a doubt must be raised and the claimant must be returned to Jobcentre Plus.
14. You must take the following steps within two working days of an incident:
 - access PRaP and input an end date (the date the claimant last attended the training) and select the appropriate leaver reason;
 - complete form Skills 11 where requested to do so by Jobcentre Plus;
 - issue a leaver letter to the claimant advising them they are no longer required to attend; and
 - complete the claimant's feedback form and send to Jobcentre Plus within 10 working days of their leaving.