



Department
for Work &
Pensions

Government's response to the Independent review of the operation of Jobseeker's Allowance sanctions validated by the Jobseekers Act 2013

Presented to Parliament
by the Secretary of State for Work and Pensions
by Command of Her Majesty
July 2014

Cm 8904





Government's response to the Independent review of the operation of Jobseeker's Allowance sanctions validated by the Jobseekers Act 2013

Presented to Parliament
by the Secretary of State for Work and Pensions
by Command of Her Majesty
July 2014

Cm 8904



© Crown Copyright 2014

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence v.2. To view this licence visit www.nationalarchives.gov.uk/doc/open-government-licence/version/2/ or email PSI@nationalarchives.gsi.gov.uk Where third party material has been identified, permission from the respective copyright holder must be sought.

This publication is available at www.gov.uk/government/publications/jobseekers-allowance-sanctions-independent-review-government-response

Any enquiries regarding this publication should be sent to us at

JSA Sanctions Independent Review Team

Department for Work and Pensions

1st Floor

Caxton House

Tothill Street

London SW1H 9NA

Email: sanctions.review2013@dwp.gsi.gov.uk

Print ISBN 9781474108317

Web ISBN 9781474108324

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

ID 25061415 07/14

Printed on paper containing 75% recycled fibre content minimum



Government's response to the Independent review of the operation of Jobseeker's Allowance sanctions validated by the Jobseekers Act 2013 **3**

Contents

Foreword by the Minister of State for Employment	4
Chapter 1 Background and context	5
Chapter 2 Government's response to the Oakley review recommendations	9



4 Foreword by the Minister of State for Employment

Foreword by the Minister of State for Employment

Rights and responsibilities have been an ever-present feature of our benefits system and can be traced back to the Beveridge Report in 1942. I believe that it is only right that where a claimant does not meet their responsibilities, benefit payments are withheld or stopped.

But I also believe that sanctions should only be applied where appropriate – where the claimant has failed to meet a reasonable requirement with no good reason.

I am determined to review and improve the system on an ongoing basis to ensure this is the case.

It is in this context that I welcome Matthew Oakley's review. The review team have rigorously examined the Department for Work and Pensions' (the Department's) sanctions processes and communications.

The review concluded that the current system largely functions well, but concedes that in an operation of this scale there are almost inevitably areas for improvement. In line with this, while Matthew Oakley has made a wide range of recommendations, he has also pointed out the Department is already making improvements to the system.

I welcome the findings of the review. I have always said it was my intention to respond positively, and this response makes clear the Government will be accepting all of the recommendations.

The implementation of these recommendations will add to a programme of work already in motion to improve our sanctions system. Together I believe these changes will make a significant difference, but I will be continuing to keep the system under review and seeking further opportunities to make improvements.



Esther McVey MP
Minister of State for Employment

Background and context

1

1. Jobseeker's Allowance and sanctions

Jobseeker's Allowance (JSA) provides financial support to individuals while they look for work. Through Jobcentre Plus and other programmes, the Government invests significant resources in helping claimants move into employment as quickly as possible. This includes access to adviser support, training, work experience and work placements.

In return for benefit payments and this support, claimants must take all reasonable steps to give themselves the best prospects of securing employment. They must also meet specific mandatory requirements set by their adviser that are designed to help them into work. If they do not – and they do not have a good reason for doing so – their benefit payments will be 'sanctioned' i.e. stopped completely or reduced for a period of time.

The Government strongly believes that this system is right and that sanctions are an essential part of JSA (and have been since the introduction of the benefit in 1996). Sanctions aim to motivate claimants to take the necessary action to find work, and to ensure the system is fair to the taxpayer. The JSA regime, which includes sanctions, is very effective at moving people off JSA and into work – around two-thirds of JSA claimants end their JSA claim because they find paid employment¹. Over half of new JSA claims end within three months, three-quarters within six months and 90 per cent within a year. Seventy-two per cent of claimants say that they are more likely to follow the rules due to the presence of sanctions².

1 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214578/rrep791.pdf
2 p157: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/261656/rrep852.pdf

6 Background and context

Since 2010, this Government has made a number of significant changes to the way the JSA system operates. Two areas that are particularly relevant here are:

- the increased expectations on JSA claimants. The Jobseekers Act 1995 (the primary legislation governing JSA) is clear that, in order to be entitled to the benefit, a claimant must take all steps they reasonably can to give themselves the best prospects of employment. Jobcentre Plus has strengthened its approach to making sure claimants are meeting this condition of entitlement. The Government has also put in place – through the Work Programme and Help to Work – more focused engagement with the long-term unemployed, and across the board has ensured compliance is checked more rigorously than it has been before.
- Changes to the sanction system. From the end of October 2012 a new structure for sanctions was introduced. The new system aims to provide a better incentive for claimants to comply by providing clearer and tougher consequences (in particular for claimants who repeatedly fail to meet their responsibilities, and for the most important requirements such as failing to accept a suitable job offer).

2. Sanction levels

The Government monitors and publishes on a quarterly basis, detailed statistics on the use of JSA sanctions. The most recent publication (May 2014) provides information on sanctions until the end of December 2013. Since early 2010, the volume of sanctions has been increasing, as have sanctions as a proportion of the JSA caseload. It remains the case, however, that the vast majority of JSA claimants do not receive a sanction (in 2013, on average, five per cent of JSA claims resulted in a sanction in any month).

It is clear that the increases have been driven by a rise in sanctions on claimants who have failed to take all reasonable steps to find work and those who have failed to participate in the Work Programme – claimants who largely require more support and encouragement to move into work.

3. Ensuring appropriate application of sanctions

The Government does not want any claimant to be sanctioned, the aim is for claimants to comply with requirements that will help them into employment. However, where a claimant wilfully, and for no good reason, fails to meet a requirement a sanction must apply. The Government believes this is right, and it is underpinned by legislation.

A range of safeguards are in place to help ensure that sanctions are only applied where appropriate:

- Requirements must be reasonable, designed to help the claimant move into work, and reflecting the claimant's particular capability and circumstances.
- No sanction should be applied where the claimant has good reason.
- An independent DWP decision maker, not the claimant's adviser, considers whether or not the claimant had good reason and decides whether a sanction should apply.
- Claimants have a right to request a sanction decision be reconsidered and to appeal to an independent tribunal.

Claimants may also apply for hardship payments if they are facing hardship as a consequence of a sanction. Hardship payments reinstate payments at 60 per cent of the level of normal JSA payments. All claimants can apply immediately for hardship. If eligible, claimants considered vulnerable, including anyone with responsibility for a child, can receive payments straightaway. Others must wait 14 days for payments to start. Other benefits, such as Housing Benefit, should not be affected by a JSA sanction.

The Government believes the vast majority of JSA sanction decisions are correct and have followed a process that reflects these safeguards. In 2013 our decision makers considered nearly two million cases, out of which they imposed 871,000 sanctions or disentitlements. Only around 13 per cent of the decisions were changed on reconsideration or appeal, and often that was because the claimant brought forward new evidence.

The Government is, however, committed to continually improving this system, in particular to ensure safeguards are applied as intended. The Government will also keep the effectiveness of the policy under review, drawing on planned evaluations to ensure that it continues to meet the intended outcomes.

4. Continual improvement – the Oakley review

The 'Oakley review' provides an important contribution to this ongoing work.

The review was established as required by the Jobseekers Act 2013, with a specific remit to prepare a report on the operation of the sanctions system for failures to participate in mandatory employment schemes. Matthew Oakley was appointed to lead the review by the Minister for Employment, in September 2013. His report makes a number of recommendations: on communications; processes (particularly around the gathering of good reason); and on closer working with our partners, particularly Work Programme providers.

The Government welcomes these recommendations, recognising they will help improve the operation of our system and, wherever possible, and subject to detailed feasibility and securing the necessary resources, has accepted them. The next section summarises each of the recommendations in the Oakley review and sets out the Government response. Where a response has been accepted, the Government intends to apply the recommendation not just to sanctions around mandatory employment schemes, but to go further and apply them to the sanctions system as a whole.

5. Continual improvement – changes already made and planned

The Oakley review will add to changes the Government has already made or set in motion to improve the operation of the sanctions system. The Government has already:

- Introduced the Claimant Commitment approach (from October 2013, with rollout completed by in April 2014) to JSA, which has had a positive impact on the adviser role and improved claimant understanding of the requirements placed upon them. The Claimant Commitment is at the heart of a new personalised approach to job search, which centres on active discussion between advisers and the claimant so that claimants establish their own detailed plan of action, tailored to and owned by them. The Claimant Commitment provides job seekers with clear job seeking actions so that they are clearer about expectations, what evidence they should be recording and the steps they need to take to demonstrate compliance.

8 Background and context

- Started development of a new process where advisers identify doubt about whether a claimant has been actively seeking work. This will change the longstanding system where benefit payment is suspended without a decision from a decision maker. Instead we will ensure that a decision is made before benefit payment is stopped. We expect this to take effect from July 2014.
- Introduced (from October 2013) a quality assurance check for sanction decision makers, to drive standards and consistency in decision making. Under this system all decision makers are subject to checks on a proportion of their decisions.
- Introduced (in October 2012) a telephone line (Provider Direct) for providers to check whether a sanction referral would be appropriate before making a referral, for example, checking the claimant is still on benefit.
- Revised the organisation of sanction decision makers (from January 2014), so that specific decision-making teams work with particular Jobcentres or providers. This aims to ensure closer working, in particular to discuss and address variations in the quality of referrals or decisions.
- Introduced a quality assurance framework and checklist for advisers making referrals to decision makers (effective from the end of April 2014). This aims to ensure that advisers gather the right evidence from claimants and make appropriate referrals – helping to further improve the efficiency and consistency in decision making.
- Set up a new communication unit and a review of all our claimant communications to ensure we are producing clear standard letters, drawing on high quality research and best practice. These teams will take forward Matthew Oakley's recommendations on improvements to our letters and other communications.

Government's response to the Oakley review recommendations

2

Recommendation 1

All letters sent to claimants (including those at referral, good reason and decision notification stages of the sanctions process) should be reviewed to improve claimant understanding. They should give a personalised description of exactly what the sanction referral or decision relates to and include clear information about reconsideration, appeals and hardship.

Accept and already underway

We recognise how important it is that all our communications on sanctions are clear. This will ensure that claimants understand the sanction process and can take the necessary action. We are prioritising improvements to communications on sanctions as part of our wider commitment to raise the quality and consistency of the Department's claimant communications. As such, we have:

- created a Claimant Communications Unit to improve effectiveness on the Department's biggest communications challenges, and to define professional standards on claimant communications for the wider department; and
- set up an operational Claimant Communications team to centralise the production of communication products, and identify and take forward areas for improvement.

These teams are currently undertaking a detailed mapping exercise of all claimant communications relating to sanctions. This will identify any necessary improvements to our letters to ensure understanding and encourage claimants to take the appropriate action. This will include steps a claimant can take to prevent a sanction, including the provision of good reason evidence, clearly explaining the reason for the sanction when applied, and communicating rights of appeal and the availability of hardship payments.

10 Government's response to the Oakley review recommendations

We will complete this review by summer 2014 and, by the end of 2014, we will report on progress and further plans to improve claimant communications on sanctions.

Recommendation 2

The Department should work with experts in communication and behavioural insights to test whether variations in the style and content of letters could boost the proportion of claimants who open and engage with the letters they have been sent.

Accept and already underway

It is vital that claimants open and understand all letters that we send to them, as they will contain important information about their benefit. We accept that sometimes this does not happen, which means that they may miss information, such as an appointment request, that may lead to a sanction. If they have already been sanctioned, they may miss critical information about the sanction process, including the opportunity to supply evidence of good reason.

Primarily, claimants must take responsibility, and be contactable and engage with correspondence while on JSA. However, we recognise that we can do more work to improve engagement with our letters.

The Department's Communications team is bringing together internal and external expertise to look at how behavioural insights can be employed to help achieve this.

As part of this the Communications team will work with Jobcentre Plus to test a range of variables around our communications, including how we deliver letters, envelope format and branding. We will focus on the most critical communications products, i.e. those delivered at key stages in the sanctions process, and use these tests and trials to help ensure that claimant's engage with important information at the right time. We will also examine the use of text messages to prompt and encourage claimants to open and react to the letters.

This work will sit within our Communications Review which commenced in May 2014.

Recommendation 3

The Department should work with Local Authorities to improve the coordination of their approach to delivering Housing Benefit for claimants who have been sanctioned. In the short-term, all letters and communications informing claimants of the application of a sanction should advise claimants already in receipt of Housing Benefit to contact their Local Authority about their claim.

Accept and already underway

The department accepts that the Housing Benefit of claimants should not be stopped following a sanction and we are taking immediate action to ensure that this does not happen.

When a claimant's JSA is stopped, for whatever reason, the JSA computer system sends an automatic notification to Local Authorities. This information is essential where entitlement to JSA has ended, for example, because they have found work. In such cases, their entitlement to Housing Benefit will need to be reviewed (for example, because of increases in their income). However, the information that is sent also includes those where a sanction has been imposed. In order to allow the Local Authority to distinguish between these cases and those where entitlement has ended we have proposed a short- and long-term solution.

In the short term, as part of our overall communications review we will ensure that wherever necessary claimants will be advised to keep their Local Authority informed to stop them inadvertently closing their Housing Benefit.

In the long term we will implement an IT solution so that Local Authorities are given the information they need to suspend Housing Benefit only in cases where it is appropriate to do so. We are currently planning to implement this by autumn 2014.

Recommendation 4

The Department should ensure that an accessible guide to benefit sanctions that includes information and links to details of the process of reconsideration, appeals and hardship payments is available in both hard-copy and on-line through the gov.uk website.

Accept and already underway

The Department recognises the importance of producing communications which can be easily understood by our claimants and are accessible in a number of formats, including GOV.UK.

As part of our communications review, our Claimant Communications team has produced a plain English guide to benefit sanctions which is currently being tested with claimants, staff and stakeholders. Once tested, this guide will be provided to all Jobcentres, providers and stakeholders, and will be published on GOV.UK by the end of July 2014.

Recommendation 5

The Department and providers should work together with stakeholders and advocates for groups with communication support needs to develop an approach for identifying and engaging claimants who might require third party support to understand letters sent while they are on mandatory schemes.

Accept

The Department is already reviewing the process for putting alternative formats in place for communications within JSA and other benefits.

The review is specifically focusing on providing a consistent service to those who require alternative formats such as email, braille, large print or audio. The review has consulted with 35 external stakeholders, current customers and is also conducting a Department survey of its people to better understand knowledge levels for these alternative formats.

This review was commissioned by the Minister for Disabled People and is being developed in partnership between the Department and the Royal National Institute of Blind People (RNIB). The report will be published externally in late July 2014.

We also plan to continue the work Matthew Oakley has done in engaging with stakeholders for the purpose of writing his review. We are already working closely with many of these organisations and we plan to create a group with a specific focus on helping the Department create clear and accessible communications on sanctions. We will formally invite stakeholders with a view to establishing the group in summer 2014.

12 Government's response to the Oakley review recommendations

This group will help ensure the content of our letters and other communications are as effective and as clear as possible so that claimants fully understand responsibilities and actions required of them. Where claimants need extra support to understand communications we already involve third party support. We will further strengthen our guidance on this provision so that advisers continue to identify when third party support is required. The group will also aim to draw on stakeholders' expertise in communicating effectively with claimants with support needs, and to explore how we can use their contact with these groups to maximise reach and understanding of information.

Recommendation 6

After sanction decisions have been made, the Department should consider how vulnerable groups might be identified and helped to claim hardship payments and/or access support services offered through Jobcentre Plus and contracted providers.

Accept and already underway

The Department is undertaking a thorough review and improvement of the hardship process and associated communication activities, and we will strengthen guidance so that hardship provision is clear upfront to all claimants who are sanctioned. We will have this new process in place by August 2014.

As part of this review we will address the issue of identification of vulnerable claimants and avoid discontinuity of payment. This covers a range of activities, including, where appropriate, staff discussing with claimants how to make applications, support for claimants in making applications and ensuring decisions are taken and hardship payments received as soon as possible with the aim of preventing the disruption of benefit for vulnerable claimants. Under this new process, the Department will make a commitment that if vulnerable claimants claim for hardship on or before their signing day, they should receive a hardship payment at their normal payment date.

In addition to these immediate measures, we are also investigating and impacting further enhancements to the process. For example, the use of SMS text throughout the process to keep claimants informed, reviewing electronic forms and making improvements to decision quality and speed of processing.

Recommendation 7

As well as helping claimants to understand letters, the Department should also consider other forms of communication that could be used alongside letters. For instance, a number of respondents discussed using text messaging, e-mails and phone calls to back up and complement the more standard forms of communication.

As recommended by the Social Security Advisory Committee, the Department should ensure that claimants' communication preferences are routinely recorded and that communications are delivered through the requested channel. This information should also be shared with providers of mandatory schemes and guidance adjusted so that they also communicate with claimants in the manner requested.

Accept in principle

We already use alternatives to letters, including text messages and emails, for example, confirming appointments, informing claimants of job opportunities etc. As described under Recommendations 2 and 6 we will consider what further use we can make of alternative forms of communication. This will also form part of our discussions with stakeholders under Recommendation 5.

We see clear value in recording and responding to claimants' communications preferences and will, as a matter of course, record alternative contact details provided by the claimant. Our advisers and decision makers will then have the option to supplement any communications with additional contact via this channel (typically an e-mail address).

Where a claimant has a particular communication need, for example because of a disability, we already record that information and ensure contact is made via those channels, where we have permission. However, there are potentially significant costs in terms of staff time if our advisers have to vary communication channels to every claimant according to their particular preferences.

As part of the implementation of Recommendation 2 we will also consider further how information recorded can be best used more widely, including amendment of guidance so that alternative contact details and communication preferences are sent to the provider when referring a claimant to the Work Programme.

Recommendation 8

The Department should work with providers to review procedures to ensure that claimants on mandatory back to work schemes have a clear understanding of their responsibilities to both the provider and Jobcentre Plus. The Claimant Commitment should be shared with providers of the scheme so that they are able to tailor their provision to fit around Jobcentre Plus requirements and any easements that have been highlighted.

Accept in principle

When a claimant is referred to the Work Programme while in receipt of JSA, the provider is responsible for helping the claimant into work, but the Jobcentre retains responsibility for ensuring that the claimant continues to meet their conditions of entitlement to JSA (the requirements to actively seek work and be available for work). We accept that this dual accountability puts an onus on us to ensure the claimant is absolutely clear as to their responsibilities and the different roles of the provider and Jobcentre Plus; and in addition, that both advisers and providers fully understand the totality of requirements being placed on claimants.

To improve this position, we are making changes to our guidance to strengthen the message to claimants about the joint responsibility that advisers and providers have in helping them into work.

We already have a system in place where we share relevant details in the Claimant Commitment with the provider to help them to understand the claimant's individual circumstances. We do, however, recognise the value of sharing the full Claimant Commitment. Guidance for Jobcentre Plus advisers will therefore be revised to ensure claimants are made aware of the importance of sharing their Claimant Commitment with the provider at first contact. This will be reinforced through a revision to guidance for providers – where they will also be advised of the benefits of requesting a copy of the Claimant Commitment from the claimant. This will enable the provider to fully understand any adjustments that may have been made for the claimant so they can consider these when developing an action plan.

We will also introduce a revised version of the Claimant Commitment which will be discussed with the claimant at the Jobcentre Plus referral interview, before the claimant joins the Work Programme. The revised Claimant Commitment will aim to clearly explain the roles of the provider and Jobcentre Plus, and the requirements that can be placed on the claimant. In particular, the commitment will make clear that claimants will need to continue to demonstrate they have met their conditions of entitlement to JSA when they sign on at the Jobcentre, but that activity they have been asked to do by the provider will count towards this. We will also ensure this is clearly explained by the adviser at the referral interview.

14 Government's response to the Oakley review recommendations

On an ongoing basis, the claimant is already advised to present evidence of what they have done with their provider at their fortnightly jobsearch reviews. We will strengthen guidance to ensure claimants are aware of the importance of presenting evidence, including any written information from providers at the fortnightly jobsearch reviews so that advisers have all the relevant information to take into account when assessing whether the claimant has met the job search elements of entitlement.

Recommendation 9

Where claimants are being referred to the Work Programme, the Department should test whether understanding and compliance could be improved by agreeing the Claimant Commitment between Jobcentre Plus advisers and the claimant, in consultation with the adviser from the provider.

Accept in principle

The Department is committed to looking at how we can improve claimant understanding and compliance when they attend the Work Programme. Bringing the provider into the Claimant Commitment process is a sensible recommendation and we agree in principle.

We will need to undertake further work on how this would actually work in practice and we need to be mindful that to implement this change could be a large burden on resource, so we need to ensure it represents value for money.

Recommendation 10

The Department should consider whether the current model of dual requirements from Jobcentre Plus and providers could be adapted to improve claimant understanding.

Accept

We will consider the interaction between Jobcentre Plus and contracted work provision as part of the development of the next phase of the Work Programme.

Recommendation 11

To test potential opportunities to improve claimant understanding, the Department should work with providers to pilot a new approach using warnings and non-financial sanctions following a first failure to comply with conditionality on the Work Programme.

Accept in principle

The recommendation to test potential opportunities to improve claimant understanding by piloting new approaches such as the use of warnings and non-financial sanctions is sensible. However, the current sanctions system is heavily prescribed in legislation and tests are likely to need new legislation to enable them to proceed. The Department will consider further the potential options and the likely timescales.

Recommendation 12

The Department should revise guidance and/or enabling legislation so that, in some circumstances, providers of mandatory back to work schemes are able to accept good reason from claimants.

Accept in principle

Providers of mandatory back-to-work schemes already have the discretion to set and amend mandatory requirements. This gives considerable flexibility. For example, if a claimant participating in the Work Programme contacts them before they are due to undertake a mandatory activity, such as attending an interview, the provider can decide whether to re-arrange this to a more suitable date. In such circumstances, because the mandatory requirement (the interview) has changed, there is no need for the provider to consider good reason or make a sanction referral. We have expanded current guidance to ensure that this discretion and flexibility is as clear as possible to the provider and are taking steps to ensure that all providers and sub-contractors are aware of this guidance and utilising it.

However, where a sanctionable failure has already occurred, the provider has no discretion and must refer all failures to a decision maker. This is different to the system for our advisers who have the ability not to refer cases where a claimant clearly has good reason. These are known as treat as straightforward cases.

We accept that in principle there are some circumstances where these straightforward good reason decisions could be made by providers (i.e. circumstances where it is quite clear a sanction should not be applied). However, new primary legislation would be required to enable this and this would need to compete with other priorities in the legislative programme. We will therefore consider this as part of the general development work for the next phase of the Work Programme.

In the meantime, we have ensured that providers are given the maximum amount of discretion within the boundaries of existing legislation. We will also explore ways in which to improve the interaction between providers and decision-makers so that straightforward decisions are made swiftly, where possible, building on the improvements we have already made through the introduction of the Provider Direct telephone helpline service for Work Programme providers.

Recommendation 13

Providers should also be required to check all potential sanctions referrals through the Provider Direct system to ensure that administrative errors have not led to ineffective communication.

Accept

Provider Direct was introduced in October 2012 to give providers direct and immediate access to the Department so that, where needed, providers can clarify a claimant's current circumstance before making a sanction referral. The Department has been working with providers to encourage use of the tool and has received positive feedback from users.

We agree that there is value to making this interaction mandatory to help improve the quality of referrals. We will seek to ensure that providers are obliged to use Provider Direct in all future contracts and will explore earlier implementation.

Recommendation 14

Guidance for providers should be revised to require that providers have an obligation to take proportional steps to seek good reason from claimants. All subsequent referrals for a sanction should outline the attempts that a provider has made to do this and provide accurate details of any good reason that has been given.

Accept

The Department will build on its existing process of obtaining good reason from providers. We have worked with providers to ensure that they understand their obligations and have made it clear that providers can record any good reason offered to them from the claimant. To ensure that this is accurately communicated to us we have also created a referral form and detailed guidance which can be found at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306488/wp-pg-form-wp-08.xls

We will continue to encourage providers to take all reasonable steps to record good reason where possible and within the appropriate format.

Recommendation 15

Referrals for sanctions from mandatory schemes should be automatically flagged to the claimant's Jobcentre Plus adviser. Following this, advisers should attempt to explain, via the claimant's preferred method of communication or at their next fortnightly sign-on, that a referral for a sanction decision has been made. This should also be an opportunity for the claimant to give good reason.

Accept in principle

It is important to note that when a claimant is participating in a mandatory scheme it is the responsibility of the provider to manage any activity that will help them to find a job – this includes setting requirements and utilising the sanction system to encourage compliance. This system was designed to ensure that claimants were clear on who they should be engaging with on their work activity.

The Jobcentre will continue to see the claimant on a fortnightly basis to ensure that they are meeting the conditions of entitlement, actively seeking and being available for work. They do not set any additional requirements during this stage.

All sanction referrals from the Work Programme and Mandatory Work Activity therefore go directly to the decision maker who will make every effort to collect evidence through various channels including telephone, post and text message to ensure the claimant is aware of the referral and seeks their reason for non-attendance. To supplement this, referrals are also recorded on our systems so that Jobcentre advisers are fully aware of any provider sanction referrals that have been made and can signpost the claimant to the correct contact.

We will revise guidance for those undertaking jobsearch reviews, instructing them to routinely check systems for information about any provider originated sanction referrals and if there are, to provide the claimant with supplementary information, for example, about the importance of responding to a decision-maker request for reasons for non-compliance, what will happen next and, should a sanction be imposed, access to hardship payments and the reconsideration and appeals process.

Recommendation 16

The Department should build on the approach it has taken for the appeals process and introduce a commitment to make decisions over sanctions referrals within a set timescale. This should include both initial sanction decisions and reconsiderations.

Accept

The Department is committed to delivering quality and timely decisions and we recognise the benefits of a clear commitment to resolve decisions within a set timescale. As the review notes, when a claimant appeals we are already committed to providing a response to Her Majesty's (HM) Courts and Tribunals Service within 28 days of the appeal being received.

To take forward the recommendation we are currently reviewing our end-to-end process and will consider what timescales we should set from referral to initial decision, and from a reconsideration request being raised to a reconsideration decision being made to allow sufficient time for the claimant to provide good reason, and for a robust decision to be made swiftly. Within this we will ensure that initial decisions are made within three days of all relevant information being presented to the decision maker. We will set out the full timescales for the end-to-end process once our review is complete.

Recommendation 17

The Department should revise procedures and guidance to ensure that proportionate steps are taken to inform all claimants of a sanction decision before the payment of benefit is stopped. Again, claimants' preferred method of communication should be used to convey this message.

Accept

It is important to note that claimants are informed when they are referred for a sanction and would have received the opportunity to provide good reason to the decision maker before a sanction decision is taken, so they should be fully aware that their benefit could be stopped. Once a sanction decision has been taken, claimants are also currently notified in writing in advance of the payment being stopped.

We agree that there should be no circumstances where the claimant is not informed of a sanction decision before the benefit payment is stopped. Where payment is due imminently and there is not enough time to inform the claimant that their benefit will be stopped, we will make it clear within guidance that a decision maker should postpone making a decision until after the forthcoming payment. This should allow sufficient time for the claimant to be notified about a sanction being imposed before their next payment is due.

We will commit to review and, where necessary, strengthen guidance and messaging to decision makers to make sure that procedures are followed accordingly and that the situation does not arise where someone leaves a jobsearch review expecting a payment that is not made following a sanction decision.

Alternate approaches to communications and customer preferences will form part of our wider communications review.











This publication can be accessed online at:
**[www.gov.uk/government/publications/
jobseekers-allowance-sanctions-
independent-review-government-response](http://www.gov.uk/government/publications/jobseekers-allowance-sanctions-independent-review-government-response)**

For more information about this publication,
contact:

**JSA Sanctions Independent Review Team
Department for Work and Pensions
1st Floor
Caxton House
Tothill Street
London SW1H 9NA**

Email: sanctions.review2013@dpw.gsi.gov.uk

Copies of this publication can be made
available in alternative formats if required.

Department for Work and Pensions

July 2014

www.gov.uk

ISBN 978-1-4741-0831-7



9 781474 108317

