

# Withdrawn

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## CPA 18 Work Programme Provider Guidance

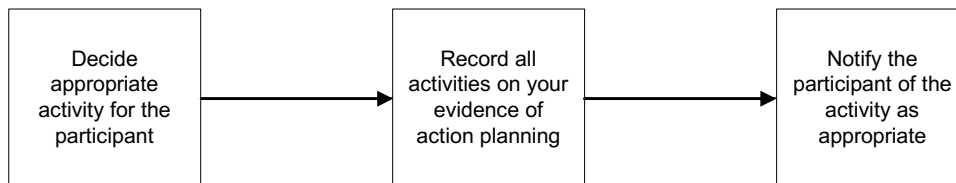
# CPA 18 Work Programme Provider Guidance

## Chapter 3c – work experience on a voluntary basis and community benefit work placement

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### High Level Must Dos



### Work experience on a voluntary basis referral

1. You can decide, as appropriate, to arrange work experience on a voluntary basis for Work Programme participants both Jobseeker’s Allowance (JSA) and Employment and Support Allowance (ESA).
2. Work experience on a voluntary basis does not incur potential sanction action if they fail to take part.
3. However, you can decide to mandate JSA participants to maintain basic standards of good behaviour whilst with the host employer. It has been agreed that it is only if the participant loses their work experience on a voluntary basis due to his/her gross misconduct that a sanction may be imposed. Further information can be found in [paragraph 26](#).

### Actions

- Identify suitable participant. Further information on how to identify a participant can be found in [para 12 onwards](#).
- Explain the benefits of work experience on a voluntary basis.
- **JSA participants only:** decide whether or not basic standards of good behaviour should be a condition of their work experience on a voluntary basis.
- Issue work experience letter as appropriate.

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- If you are mandating a JSA participant for basic standards of good behaviour, you must use the letter in [Annex 1](#).

### Background

4. Further detail is provided in the [Background and further information section](#).

### Community benefit work placement referral

5. You can decide as appropriate to mandate suitable JSA and ESA participants, with the exception of ESA claimants who are exempt from Work Related Activity (WRA). Further detail about voluntary claimants can be found in [CPA18 Work Programme Provider Guidance Chapter 2 - Claimant Groups](#).

### Action

- Identify suitable JSA or ESA participant.
- Ensure the work placement is of community benefit.
- Take action to mandate suitable JSA or ESA participant. Further information can be found in [CPA18 Work Programme Provider Guidance Chapter 3a – Mandation](#).

### Background

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

## Detailed background and further information

### Work experience on a voluntary basis referral

#### What is work experience on a voluntary basis?

7. Work experience on a voluntary basis can be an extremely valuable way for participants to gain or update experience of the workplace. Generally it will be over a short period, with restricted hours in recognition of the participant's limited capability for work. Each place will be tailored to the individual's health and personal circumstances, including the participant's health condition or disability to ensure the work experience is appropriate.
8. Work experience on a voluntary basis is unpaid, should not displace or be a replacement for paid employment and should primarily be aimed at improving the participant's employability.
9. Participation is voluntary for ESA and JSA participants; participants can leave without sanction consequences. The only exception to this is where you have notified a JSA participant that they are required to maintain

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standards of good behaviour whilst taking part in work experience on a voluntary basis. Further information on good standards can be found at [paragraph 23](#).

10. There is not a specified minimum or maximum duration for work experience. Therefore, it is for you to decide with the agreement of the employer what the suitable length of the work experience on a voluntary basis should be to meet the needs and circumstances of the participant. Further information on duration for work can be found at [paragraph 52](#).

### **Benefits of work experience on a voluntary basis**

11. There are a number of benefits to work experience on a voluntary basis that you may wish to discuss with participants, to enable them to make an informed decision about whether to participate. These could include:
- improve their job prospects
  - see the skills and behaviours employers want from people
  - see how the skills they have can be adapted to the workplace
  - gain real life work experience
  - build their confidence
  - add to their CV, including a work related reference/referee
  - enabling the movement of the participant into sustained work
  - engaging them in employment that matches their job goals
  - providing prospective employers with evidence that they have the necessary skills and abilities to do the job.

### **Identifying suitable participant**

12. Work experience on a voluntary basis is applicable for both ESA and JSA participants on the Work Programme.
13. Participants should be motivated and demonstrate a willingness to work. Possible participant qualities that you may also want to take into account include:
- no significant issues relating to numeracy, literacy or general employability skills
  - be interested in a role in the type of work
  - having the aptitude/suitability for the role/type of work.

Therefore, it is for you to decide in conjunction with the participant if work experience on a voluntary basis is suitable.

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14. Before arranging work experience on a voluntary basis, you should check whether the participant has any agreed restrictions on the type of work/hours or times of work that they can do, as they will need to be flexible to reflect individual's circumstances including illness or disability.

### Arranging work experience

15. When arranging potential work experience on a voluntary basis, you may need to manage employers' expectations. Explaining the participant's barriers to work, including ill health/disability and any reasonable adjustment requirements. Also, participants may be motivated, but may have little or no previous experience. This may result in some restrictions on the work experience on a voluntary basis sought and offered, which may need explaining to employers. It would be beneficial if employers commit to supporting motivated individuals with low skills and little or no work experience.
16. There is no restriction on the size or type of business that could be used for work experience on a voluntary basis; the quality of the work experience on a voluntary basis is most important. If an employer operates a shift system, you can discuss this with the participant as it may form part of an appropriate work experience on a voluntary basis.
17. No action is required where a participant is currently undertaking work experience on a voluntary basis, unless you wish to mandate a JSA participant to maintain basic standards of good behaviour.

**Please Note:** Where a participant is already participating in work experience or arranges their own work experience, and this is noted on their action plan, you remain for safeguarding the participant. Where a participant has arranged their own work experience, and this is not part of their action plan, you should make it clear that you are unable to safeguard them in this way. Further information on safeguarding can be found in [CPA18 Work Programme Provider Guidance Chapter 4b – Safeguarding and Vulnerability](#).

### Work experience on a voluntary basis with a community benefit host employer

18. Work experience on a voluntary basis, can be undertaken at a host employer that also offers mandatory work placements of a community benefit.

### Offering work experience on a voluntary basis

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19. Should you offer work experience on a voluntary basis, you will need to explain to the participant the terms and conditions that will apply to ensure they can make an informed decision about taking part.

20. Check that they understand the following:

- that even though they are with an employer they are still participating in the Work Programme and they continue to be subject to the rules and responsibilities that they were when working with you previously e.g. in relation to entitlement to JSA
- the purpose of the work experience on a voluntary basis, what the work will involve and how long it is going to last
- outline the support that you and the work experience on a voluntary basis host employer will offer, and who their named contact will be should they need advice
- the hours they are expected to participate, and that they should participate those hours only
- arrangements for continuing their jobsearch efforts
- the practical arrangements for getting to and from the employer, including re-imburement of travel expenses
- they should be encouraged to resolve any issues they have with the host employer directly. However, if their issue cannot be resolved, they should be advised to contact you. – for further information about the complaints process refer to [CPA18 Work Programme Provider Guidance Chapter 16 – Participant Complaints](#)
- details of additional support that they may be entitled, for example, travel costs and childcare
- you should stress that attendance on work experience is entirely voluntary
- **JSA participants, if applicable:** once they have started, the employer will expect the same basic standards of good behaviour from participants as they expect from their employees and, therefore, dismissal for gross misconduct (as identified by the host employer) could lead to a benefit sanction.

### **Referring participant to work experience on a voluntary basis**

21. Once the participant has decided to participate in work experience on a voluntary basis, issue them with the appropriate letter detailing their start arrangements.

22. If you decide that a JSA participant is to be mandated to maintain basic standards of good behaviour you must use the letter in [Annex 1](#).

**Please Note:** The Work Programme is European Social Fund (ESF) funded and you must display the ESF logo on all your customer facing materials

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(England only) (DWP Generic Provider Guidance [Generic Provider Guidance Chapter 11 - ESF Requirements \(England Only\)](#)). You must also display the Jobcentre Plus logo (communication centre) alongside the ESF logo. It is important that you access the most up to date information on logos whenever you make a change to your notifications.

### **Work experience on a voluntary basis within your organisation**

23. Work experience on a voluntary basis may be offered within your own organisation and, as with opportunities delivered through third party organisations, you will be required to demonstrate how any such activity is meaningful and matches the individual's needs, as described in their action plan, and how it contributes to improving the participant's employability.

### **Maintaining basic standards of good behaviour**

24. The decision to mandate JSA participants to maintain basic standards of behaviour whilst on their work experience on a voluntary basis will be down to the provider. You should consider how you wish to work with that particular JSA participant, and also take into account the relationship with the host employer.

25. You will need to tell the participant that you wish to place this condition on their work experience on a voluntary basis when you tell them about this opportunity (see [Offering voluntary work experience](#)) and in the referral letter (see [annex 1](#)).

### **JSA participant dismissed due to gross misconduct**

26. Where a JSA participant is dismissed by their host employer because they have failed to maintain basic standards of good behaviour, this may amount to gross misconduct. This means that the JSA participant's conduct is so serious that only one instance of such behaviour will warrant the host employer's immediate termination of their voluntary work experience.

**Please Note:** if an ESA participant is dismissed due to gross misconduct from their voluntary work experience, no sanction activity can be taken.

27. The following are examples of gross misconduct but this list is not exhaustive:

- dishonesty or theft from the employer or co-workers
- fighting with or assault on another person in the workplace
- abusive behaviour towards co-workers or customers



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- deliberately damaging the employer's property
- a serious act of insubordination towards a person in a position of authority in the workplace
- endangering the safety of self or others by some deliberate act or omission
- serious incapability through the use of alcohol or illegal drugs.

This list is not exhaustive.

28. Repeated instances of minor misconduct such as lack of punctuality or carelessness in performing tasks will not amount to gross misconduct.

29. To illustrate when an action could be deemed as gross misconduct refer to the following the following examples:

- Karen has an argument with her supervisor regarding her standard of work. She storms off and deliberately punches and smashes a glass door panel. She says she needed to let off steam. She is dismissed from her work experience on a voluntary basis. Her behaviour was deliberate and damaged the employer's property and could have endangered her safety or the safety of others. Her conduct can be deemed as gross misconduct and a sanction may be imposed.
- Jason is constantly late for his work experience on a voluntary basis. He says he finds it hard to get up in the mornings. Although his actions are minor misconduct and he is dismissed they do not amount to gross misconduct and so no sanction would be imposed.
- John swears at and punches his boss who tells him off for arriving late. He is dismissed from his work experience on a voluntary basis. His actions can be considered as a serious act of insubordination that amounts to gross misconduct and a sanction may be imposed.
- Ann tells her Work Programme provider she has decided to leave her work experience on a voluntary basis and then turns up drunk. She is asked to leave by the host employer immediately. A sanction is imposed on the grounds of gross misconduct. Ann requests a review of the decision stating she had already decided to leave before the gross misconduct occurred. The Decision Maker determines the sanction is still appropriate as Ann failed in her obligation to maintain a minimum basic standards of good behaviour while participating regardless of the fact that she had already announced an intention to leave the work experience on a voluntary basis element of the Work Programme and is regarded as having failed to participate without good cause in the Work Programme.



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### Sanction periods

30. Sanctioning for gross misconduct operates within the current Work Programme sanctions regime which applies when a participant fails to carry out a mandated activity. A failure to maintain basic standards of good behaviour will be regarded as a failure to participate, and if the JSA participant fails to show good reason within the prescribed period, that failure will attract a sanction. You must use annex 1 of chapter 3A to mandate the participant. Further information about sanction periods can be found in [CPA18 Work Programme Provider Guidance Chapter 3a – Mandation.](#)

**Please Note:** if an ESA participant is dismissed due to gross misconduct from their voluntary work experience, no sanction activity can be taken.

### Participant leaves work experience on a voluntary basis early or does not start

31. If they leave early for any other reason than gross misconduct or do not start at all, then no further action should be taken and you should continue to work with the participant.
32. For those JSA participants with a condition of maintaining basic standards of good behaviour, a compliance doubt for gross misconduct must be raised ([WP08](#) form) ) if the participant has been dismissed due to behaviour that has fallen below such standards and is considered to amount to gross misconduct.
33. You are expected to make your own arrangements regarding how you get information about an incident of gross misconduct from the host employer.
34. Further information regarding the compliance doubt process can be found in [CPA18 Work Programme Guidance Chapter 6 – Raising a Compliance Doubt.](#)

### Work placement (community benefit) referral

#### What is a community benefit work placement?

35. A community benefit work placement is unpaid and must be of benefit to the community over and above the benefit of providing a placement to the individual.

**Please Note:** If a community benefit work placement is within the private sector the community benefit must be over and above the delivery of the

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business. Further information regarding the use of private sector companies for placements can be found in [Annex 1 of CWP Provider Guidance – paragraph A1.12](#).

36. A community benefit work placement can be an extremely valuable way for participants to gain or update experience of the workplace and to re-adjust to it.
37. Referral to a work placement is always mandatory for a suitable JSA claimant. If an ESA claimant is in the Work Related Activity Group (WRAG) and not exempt from Work Related Activity (WRA), and if it is appropriate for the claimant to be referred to Work Placement then it is part of their WRA, and hence mandatory. However, If an ESA claimant in the WRAG who is exempt from WRA, or is in the Support Group, they can be referred on a voluntary basis and cannot be sanctioned. Further detail about voluntary claimants can be found in [CPA18 Work Programme Provider Guidance Chapter 2 - Claimant Groups](#).
38. Therefore, it is part of the current Work Programme sanctions regime that applies when participant fails to participate in a mandated activity. Further information about sanction periods can be found in [CP18 Work Programme Provider Guidance Chapter 3a – Mandation](#).

**Please Note:** If a voluntary Work Programme participant wants to undertake a community benefit work placement, they can undertake the activity on a voluntary basis, for further information refer to [work experience on a voluntary basis](#).

39. There is not a [specified minimum or maximum duration for a work placement](#). Therefore, it is for you decide with the agreement of the employer what would be a suitable length of the work placement to meet the needs and circumstances of the participant.

### Benefits of work placements

40. There are a number of benefits to mandatory work placements that you may wish to discuss with participants. These include:

- improve their job prospects
- see the skills and behaviours employers want from people
- see how the skills they have can be adapted to the workplace
- gain real life work experience
- build their confidence
- add to their CV, including a work related reference/referee
- enabling the movement of participants into sustained work
- engaging participants in employment that matches their job goals

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- providing prospective employers with evidence that a participant has the necessary skills and abilities to do the job.

### Identifying suitable participant

41. A work placement is for suitable JSA and ESA participants.

42. Possible participant qualities that you may also want to take into account:

- not having significant needs relating to numeracy, literacy or general employability skills
- be interested in a role in the type of work concerned
- having the aptitude/suitability for the role/type of work concerned.

43. Before arranging a work placement, you should check whether the participant has any agreed restrictions on the type of work/hours or times of work that they can do; as they will need to be flexible to reflect individual's circumstances.

44. Consideration should also be given to any health condition or disability and any reasonable adjustments to ensure the suitability of the placement. [Guidance on helping people](#) with mental health conditions to find and stay in employment.

### Arranging community benefit work placement

45. A community benefit work placement must be of benefit to the community over and above the benefit of providing a placement to the individual. You should be able to clearly describe to DWP the community benefit(s) the placement is delivering. This means the role could include:

- working directly towards the community benefit goal of the host organisation. In this case the duties of the employee would contribute directly towards the benefit to the community. An example of this would be the employee working with the public on a community project
- working indirectly towards the community benefit goal of the host organisation. In this case, the duties of the participant would contribute indirectly towards the benefit to the community, as the duties of the participant would be contributing towards the work of the organisation which delivers community benefit. An example of this could be the employee working 'behind the scenes' on the organisation of a community project
- working towards the profit of the host organisation, providing that the majority of the role is dedicated towards delivery of benefit to the community

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46. Examples of organisation types that come under this definition include:

- Local Authorities and Councils
- Government Departments and Agencies
- Charities and third sector organisations
- Social Enterprises
- Environmental Agencies

**Please note** this list is not exhaustive

### **Deciding whether work placement is of community benefit**

47. It may be useful to use the following questions when considering whether a placement demonstrates community benefit:

- what will the placement deliver? What is the output?
- how will the placement benefit the community?
- who in the community will it benefit?
- is the benefit to the community visible and lasting?
- would it be obvious to the taxpayer or a member of the public that the placement provides community benefit?
- if the placement does not appear to demonstrate direct involvement in the community benefit, does it have a supporting role in the project? (For example, an administrator organising a new outreach project for vulnerable people could be demonstrating community benefit).

### **Examples of community benefit**

48. The following sets out three ways that community benefit could be demonstrated. It is not an exhaustive list, but a job with clear community benefit may

- social benefits – for example project that:
  - engage with and/or support vulnerable groups
  - support crime prevention or reducing anti-social behaviour
  - improve the physical, emotional or mental well being of the community
  - Improve access to public services for vulnerable groups
- environmental benefits – for example projects that:
  - regenerate, renovate or restore public areas, buildings, houses and amenities
  - promote or support recycling, re-use, or energy efficiency and conservation
  - promote or support nature conservation
  - promote an awareness of and respect for the natural environment

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- cultural benefits – for example projects that:
  - extend or improve access to cultural, sporting, or educational opportunities for vulnerable or marginalized groups
  - encourage or promote understanding between different communities and/or generations.

### What is not community benefit?

49. The following are past examples that the Department feels fail to demonstrate sufficient community benefit:

- where giving a person employment is claimed as the community benefit:
  - providers have said that ‘employing someone would otherwise be a JSA participant; we are helping the individual to find sustainable employment’. This is a necessary requirement, but is not sufficient on its own to demonstrate a direct benefit to the community
- where ‘green jobs’ are presumed to automatically have community benefit:
  - although we welcome the creation of green jobs, being green does not automatically mean that a job provides community benefit as its main objective. It is still necessary that the community benefit can be demonstrated in line with the principles set out above
- where community benefit has been poorly articulated:
  - a number of providers who have not clearly demonstrated the community benefit that jobs deliver have failed to satisfy this criterion. For example, one provider mentioned that sports coaching was the community benefit, but failed to explain why this was important within the context of the local community.

### Mandating a participant to a work placement

50. It is your decision whether to mandate the JSA participant or not to a work placement. If you do mandate a JSA participant to a work placement you must use annex 1 and 2 detailed in [CPA18 Work Programme Provider Guidance Chapter 3a – Mandation](#). If do not to mandate participation, the activity can be undertaken on a voluntary basis – refer to [work experience on a voluntary basis](#).

### Safeguarding the participant on work experience on a voluntary basis or community benefit work placements

51. Where you decide to offer work experience on a voluntary basis or a community benefit work placement you should ensure that:

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- continued support is available to the participant, ensuring they are receiving appropriate help and support from the employer
- participants are engaged in a healthy and safe working environment (Further information can be found in [DWP Generic Provider Guidance chapter 2 – Delivering DWP provision](#))
- the employer understands what is expected of them
- does not displace existing jobs
- the hours undertaken by the participant are reasonable according to their circumstances
- ensuring the work placement is suitable (Further information can be found in [DWP Generic Provider Guidance chapter 2 – Delivering DWP provision](#))
- Employer understands individual's illness/disability and reasonable adjustments required.

52. If you consider a participant is a vulnerable ESA participant, it is important to ensure that they fully understand their responsibilities. Information concerning identifying a vulnerable ESA participant can be found in CPA 18 Work Programme provider guidance [CPA18 Work Programme Provider Guidance Chapter 4b – Safeguarding and Vulnerability](#).

53. It is also important that legislative requirements regarding safeguarding vulnerable participants are taken in consideration e.g. Disclosure and Barring Checks (DBS). Further information regarding your legislative requirements can be found in [Generic Provider Guidance Chapter 2 - Delivering DWP Provision](#).

### **National Minimum Wage Act**

54. It is the provider's responsibility to ensure that all work experience and community benefit work placements are in line with National Minimum Wage regulations. As part of their considerations, providers should consider the following points:

- as a general rule, persons participating in a relevant Government Scheme – which includes the Work Programme – designed to provide training, work experience or temporary work, or to assist in seeking or obtaining work, do not qualify for the National Minimum Wage (NMW) in respect of work done for an employer as part of that scheme
- however, there are some important exceptions:
  - participants will qualify for the NMW if they are regarded as employees of the employer **and** are paid for their work by the employer. Payment of expenses can be ignored for these purposes



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- even if they are not paid by the employer, participants will qualify for the NMW if they are regarded as employees of the employer **and** are participating in a trial period of work with that employer, in which the employer has agreed to offer a job to the participant if they successfully complete the trial, in cases where the trial is in excess of six weeks
- "Employment" has a wide meaning, and participants are likely to be regarded as employees if they agree voluntarily to take up the placement with a particular employer.
- The NMW is very unlikely to apply to participants mandated to participate in unpaid work experience or an unpaid community benefit work placement through the Work Programme, or to Participants who volunteer to take part in an unpaid placement of either type which is not a work trial exceeding 6 weeks. Where a claimant's expenses are paid, this still counts as unpaid work experience or unpaid community work placement. There are no minimum or maximum periods for unpaid work experience or unpaid community benefit work placements; however, any activity to which a claimant is mandated must be reasonable in their circumstances.

### **Monitoring participants on work experience on a voluntary basis or community benefit work placements**

55. It is suggested that you agree arrangements for monitoring the progress of participants on work experience on a voluntary basis and community benefit work placements. It is for you to decide how this will take place (e.g. frequency and nature of monitoring) taking into consideration the length of participation, the type of activity undertaken, and the needs of the participant.

56. Therefore we would recommend you check:

- that the participant is undertaking the hours of work agreed when it was set up
- that the participant is being adequately supervised
- there has been no change in work duties that was agreed
- the participant is not working in an obviously unsafe environment
- any agreed reasonable adjustments are in place.

57. If you find that the employer is not abiding by any agreements that you have set out, we recommend that you first try to address any issues, and if this is not possible cancel that agreement.



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### **Annex 1 – JSA work experience on a voluntary basis letter (maintaining basic standards of good behaviour version)**

**[Office Name]  
[Contact Tel.  
no.]  
[Office Address]**

**[Date issued]**

**[Customer Name]  
[Customer Address]**

Dear **[Customer Name]**

**Please note:** Whilst doing the work experience you must maintain basic standards of good behaviour. If you fail to do this, you may lose your place with your host employer. If this happens, or if you fail to comply with your other obligations whilst on the work programme, as previously notified to you, your Jobseeker's Allowance and National Insurance credits will be stopped or paid at a reduced rate depending on your circumstances (sanctioned) for:

- four weeks, or
- 13 weeks if DWP have previously decided on one or more occasions that your Jobseeker's Allowance should be sanctioned because you previously lost a place on work experience by reason of your behaviour or failed to comply with your Work Programme requirements, or you committed any of the failures listed below, within 52 weeks (but not within two weeks) of your most recent failure.

The failures referred to are, if without a good reason you:

- fail to attend an adviser interview
- if applicable, fail to take part in a particular employment programme (such as the work programme)
- do not take the opportunity of a place on an employment programme or training scheme
- refuse or fail to apply for or accept a place on such a programme or scheme notified to you by your adviser
- fail to attend or give up a place or through your own misconduct lose a place on such a programme or scheme

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- fail to comply with a Jobseeker's Direction.

For purposes of your work experience, please note the following information:-

**Your contact at [insert name of host employer] is [insert contact name and telephone number].**

**Start date: (date including day of the week)**

**At: (Start and Finish time)**

**Location: (and can include 'see enclosed map')**

[If appropriate] To achieve your goal we expect you to have [insert evidence needed for completion]

**End date: (date including day of the week)**

[If appropriate] For this activity, the following added support can be offered [insert detail].

Please inform us immediately if you need a registered child carer, an interpreter or any other service in order to attend, we may be able to arrange this and cover your costs covered.

If you just want to find out more, you can contact (insert name) and the contact number is (insert number).

If you are unable to undertake the work experience and wish to re-arrange for a future date, please contact me immediately. My contact number is (insert number).

Once you have started, it is also important that you contact the employer immediately if you will not be able to attend for any reason or if you wish to leave before the expected end date.

Yours sincerely,

[Adviser Name],