

Withdrawn

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Department for Work and Pensions

Mandatory Work Activity Live Running Memo

To: Mandatory Work Activity Providers

From: Change, Policy and Planning Division

Copy: Category Managers, Supplier Managers, Senior Performance Managers, Performance Managers, Rachel Radice, Andrew Thomas, John Tiplady

Memo Serial No: LR25

Date: 20 November 2015

Subject: Decision Making and Appeals

Action: For information and action

Timing: Immediate

Background

1. This live running memo contains various updates and reminders with regards to the Mandatory Work Activity (MWA) decision making process for both Universal Credit and non-Universal Credit claimants.
2. Please ensure that this information is cascaded to and, where appropriate, is in use by your supply chain as well as your own staff.

Summary and Action

Posting Securely – Clerical Referrals

3. A reminder that it is the sender's responsibility to consider the scale and sensitivity of the information that is being sent when making a clerical LMDMA referral, and whether additional security (i.e. using a fully tracked service) is required. Please see [Chapter 8](#) (paragraph 36) of the generic provider guidance for more information regarding sending documents securely.

Correct Postage for Clerical Referrals

4. Please ensure that the correct level of postage costs are used when sending clerical referrals.
5. In any instances where the incorrect level has been paid the envelope will not be collected (or any surcharge paid) and the envelope will be returned to the sender.

Delays in Sending Clerical Referrals

6. There have been instances where clerical referrals have been received by the decision making team a number of days or even a number of weeks after the transgression has taken place.
7. Provider guidance states that if a claimant fails to comply with the requirements of MWA then a DMA referral must be made within two working days. This is the same whether a clerical referral or a referral by email is made.
8. Please remind your staff (and your supply chain) of the requirement to send referrals within two working days (of the transgression happening) and that clerical referrals should not be delayed or sent in batches where this results in a delay of over two working days.

Decision Making Referrals for Misconduct

9. It has been identified that there have been a number of instances where referrals made by MWA providers regarding “misconduct” of claimants whilst participating in MWA are not containing enough information to enable the Decision Makers (DM’s) to make a decision on “misconduct” or the facts presented do not support the “misconduct” referral being made.
10. It is important that there is sufficient detail supplied within the “misconduct” DMA referral to ensure that all available information is included and that nugatory work (e.g. having the referral returned and having to make the referral a second time) is reduced.
11. For information here are a couple of examples of the sort of information that is being included in some recent “misconduct” LMDMA submissions (at Part 3 of the referral form):
 - *“Customer was notified on 20.3.15 but failed to complete the Mandatory Work Activity”*

- *“***** spoke to me today to say that they could not go into the placement because they had lost their ticket. They were due to be paid more money for a new weekly ticket tomorrow. They said he would go back to the placement tomorrow if they were able to get a new ticket. I called the Manager to explain and she said she did not want them to go back. After they had not turned up yesterday they were prepared to give one more chance but unfortunately that chance has now gone. I called ***** to tell him and they said they would talk to their Jobcentre Advisor”.*

12. In both of the above cases there are few “detailed” facts to support the claim of Misconduct. Whilst the second example does provide more detail it still does not make it clear what is considered as constituting the Misconduct (and from the information supplied may be considered more Failed to Attend than Misconduct).

13. Please can you ensure that there is sufficient detail in the submissions to the decision maker to:

- be able to show exactly what happened,
- be able to show when was this first challenged (or arose),
- be able to show if there was any warning given to the claimant of not (and if so provide details),
- be able to show, from the information supplied, the reason is for the referral (and not just what had been “ticked” as the referral reason)

14. By considering these points it will help you to ensure there is sufficient information contained within the referral and avoid any re-work (i.e. having the referral returned and then having to undertake additional work and re-refer the case).

Compliance Doubt Referrals by Unencrypted Email for Universal Credit claimants

15. For those providers that have agreed to use this process, compliance doubt referrals by unencrypted email for Universal Credit claimants can be made.

16. The guidance and embedded documents within the guidance are found in [Annex 1](#) of this document and will be included in the next update of MWA Provider Guidance.

Sending Universal Credit Compliance Doubts Clerically

17. It has been identified that on a number of occasions Universal Credit compliance doubts, sent clerically, are being sent incorrectly to non-Universal Credit decision making and appeals teams.

18. Please remind your staff (and your supply chain) that **all clerical** compliance doubt referrals for MWA Universal Credit claimants must be made on the MWA1UC form (found at Annex 3A of the [MWA Provider Guidance](#)).

19. The action to follow is in the Universal Credit section following paragraph 6.31 of the MWA Provider Guidance and all clerical referrals should be sent securely to:

Universal Credit
Post Handling Site B
Wolverhampton
WV99 1AJ

20. Sending the forms to the correct address and on the correct referral form will ensure that they are actioned as quickly as possible by a Universal Credit Decision Maker and avoid unnecessary delays or re-work.

Further Information and Contact Details

21. All enquiries on the subject of this memo should be raised with your Performance Manager in the first instance; they will endeavour to provide you with an answer as soon as possible.

ANNEX 1

LR25 annex 1: compliance doubt referrals by unencrypted email (UC claimants):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/481228/annex1-compliance-doubt-referrals-by-unencrypted-email.pdf

LR25 annex 1: form: MWA1UC (email):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/481167/annex1-mwa1uc-email.rtf

LR25 annex 1: MWA1UC (email) completion notes:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/481168/annex1-mwa1uc-email-completion_notes.pdf