

Withdrawn

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DMA Good Practice Guide

Work Programme Policy Team

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Introduction

1. Mandation is a tool to be used to encourage participation in the Work Programme with sanctionable consequences for non compliance. To mandate a participant correctly, you must ensure certain policy and procedural requirements are met, and legal regulations are adhered to.
2. The DMA Good Practice Guide draws together key activities that could improve performance both in terms of driving down cancellations of referrals and ensuring more referrals result in a sanction being imposed.
3. Further detail guidance is available throughout the [Work Programme Provider Guidance](#). The key chapters are:
 - [Chapter 3a – Mandation](#)
 - [Chapter 4b – Safeguarding and Vulnerability](#)
 - [Chapter 5 – Change of Circumstances and Notifications](#)
 - [Chapter 6 – Raising a Compliance Doubt](#)
4. See the specific WP provider guidance for participants in receipt of [Universal Credit](#)

<p>While you are mandating a participant to an activity Back to contents</p>	
<p>Recommendation</p>	<p>Reasoning</p>
<p>Check participant’s current circumstances to establish if the activity you are due to mandate them to is reasonable.</p> <p><i>This is a must-do before considering a mandatory activity for any Work Programme participant.</i></p>	<p>Changes that occur while a participant is on the programme can affect a participant’s conditionality and you must be aware of this before mandating a participant to activities. Changes could mean that a participant is now a voluntary participant or that they have restrictions on their availability.</p> <p>Failure to review a change received by DWP or the participant may result in you providing inappropriate support for your participants. You may be mandating to activities that are not suitable or using mandation when participation has become voluntary.</p> <p>Further guidance is available in Work Programme Provider Guidance Chapter 5 – Change of Circumstances and Notifications.</p>
<p>For JSA participants only - when mandating a participant to apply for employment, attend an interview or take up employment, ensure that you:</p> <ul style="list-style-type: none"> • consider the suitability of the vacancy • ensure the vacancy does not conflict with any agreed participant availability or employment restrictions • consider if the vacancy is within a 90 minute journey for the participant (to or from their home) 	<p>The LMDM will make a decision based on an assumption that the Mandatory Employment Notification (MEN) meets requirements.</p> <p>If the MEN does not meet requirements, the participant will not have been correctly mandated and any sanction imposed will be overturned at mandatory reconsideration or appeal stage.</p>

<ul style="list-style-type: none"> • consider if the participant is on an Extended Period of Sickness (EPS) • ensure you provide the participant with an adequate opportunity to make representations as to the suitability of the employment they are required to apply for or take up before they are mandated to do so and give proper consideration to those representations • the specific action that they are required to undertake, for example attend an interview, make an application by submitting their CV or complete an online application • a suggested way for the participant to provide evidence to show they have applied. <p><i>This is a must-do before considering an employment opportunity for a JSA participant.</i></p>	
<p>Check Mandatory Activity Notification (MAN)/MEN:</p> <ul style="list-style-type: none"> • was the correct method of notification used in notifying the participant of the mandatory activity? • was a reasonable amount of time given for receipt of the MAN/MEN before the mandated activity was due to take place (if issued by post)? • was the MAN/MEN issued to the correct address? Check any CEPD1s/WP07s received and your own systems to ensure the correct address is used. 	<p>The MAN/MEN must be issued in writing in all instances. SMS and phone calls are not acceptable.</p> <p>If the MAN/MEN is posted rather than issued face-to-face, it is assumed that the time taken to have been received will be on the second working day after posting (excluding Saturday, Sunday or bank holidays).</p> <p>The Labour Market Decision Maker (LMDM) will check the address and length of time given for posting the MAN/MEN when considering if the participant was reasonable informed/aware of the mandated activity. Where the LMDM finds that the time given for receipt of the activity to be undertaken is unreasonable or the address the MAN/MEN</p>

	<p>was sent to is incorrect, this will result in a cancelled DMA referral.</p>
<p>Issue MANs to Employment and Support Allowance (ESA) participants face to face on all occasions where possible.</p>	<p>The face to face issue of the MAN for all ESA participants will enable you to carry out safeguarding activities at the same time by making sure, during the conversation, the participant understands what they are being asked to do and the consequences of not doing it. This will avoid the step of having to undertake safeguarding after the participant has failed to complete the mandated activity.</p> <p>By completing the safeguarding action at the point of mandation, you will reduce the risk of the DMA referral being cancelled due to the action not being completed or attempted.</p> <p>Participants who have a clear understanding of what is expected of them and the activities they are due to undertake may be more engaged with the programme if they are seen face to face.</p>
<p>Use the On and Off benefit scans at time of mandating a participant to an activity, to establish if there have been any changes in a participant’s circumstances that could have an effect on the mandation activity.</p>	<p>The On and Off benefit scans will detail participants who have started or ended a benefit claim for JSA or ESA within a set period. The scan includes:</p> <ul style="list-style-type: none"> • the date claim action was taken (‘Processing Date’) • the date claim action applies (‘Effective Date’). <p>A distribution timetable is available in Annex A of On and Off Benefit Scans Guidance.</p>

	<p>You can use this to establish whether a participant has a live benefit claim, and dependant on their claimant group, if it is appropriate to mandate them to an activity.</p> <p>It is essential that you are aware of the benefit a participant is in receipt of to ensure that the appropriate MAN is used and also that the activities you are mandating a participant to are suitable.</p> <p>If either of these are incorrect the DMA referral will be cancelled/allowed.</p>
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<p>Check whether or not the participant contacted you prior to the mandated activity to rearrange the activity.</p> <p>Where you choose not to rearrange the mandated activity and the participant doesn't participate in an activity, you must complete a WP08. You should include your reasoning for not rearranging the mandated activity.</p>	<p>You do not need to complete a WP08 if prior to the participant undertaking a mandated activity, they contact you because they are not able to undertake the activity. You can decide to rearrange the activity.</p> <p>The LMDM will contact the participant to establish good cause for failing to carry out the mandated activity. Where the participant informs the LMDM they contacted you in advance to rearrange the mandated activity and you chose not to, the LMDM will look to the WP08 for your reasoning. If you do not provide full reasoning the referral will be cancelled.</p>	
<p>Check the participant's current circumstances to establish if there have been any changes you have been notified of, that could explain why a participant hasn't completed a mandated activity.</p> <p>Jobcentre Plus will notify you of changes via the CEPD1/WP07 process. You should check these and your own systems.</p> <p>Is participant claiming Universal Credit (UC)?</p>	<p>Failure to establish a participant's circumstances prior to raising a sanction will result in extra work for you and the LMDM as your sanction referral may be cancelled.</p> <p>Further guidance is available in Work Programme Provider Guidance Chapter 5 – Change of Circumstances and Notifications.</p> <p>You need to ensure that you are clear on what benefit a participant is in receipt of. If a participant was in receipt of JSA but has had a break in their claim, on a reclaim to benefit they could now be in receipt of UC (you should be notified by Jobcentre of this change via the CEPD1/WP07b process). If the participant is claiming UC, DMA referrals should not be</p>	

	<p>sent to the Benefit Delivery Centre. If this is done, it will result in the cancellation of your referral.</p> <p>If you do make a DMA referral for a UC participant to the Service Centre, ensure that you used the correct forms (UC191/UC193). Failure to use the correct forms will result in the sanction referral being cancelled.</p>
<p>Check completion of the DMA referral form:</p> <ul style="list-style-type: none"> • is the correct referral form being used for the transgression? A WP08 is used for most referrals but a PRE01 is used where a JSA participant has refused/failed to apply for or take up employment. • is the correct referral process being followed for the participant's benefit type? • ensure all participant's details are correct • ensure adviser's contact details are noted, including direct phone number • ensure that the generic inbox address is used and not the individual adviser's email address • has the referral been made for only one transgression? • has the participant volunteered any information to suggest why they failed to complete the activity? • if available supply the current telephone number and/or e mail address of the participant on the WP08/PRE01/UC193/UC191 <p>Further guidance on completion of WP08 form is available in WP08 Hints & Tips of Work Programme Provider Guidance Chapter 6 – Raising a compliance doubt.</p>	<p>The name and direct contact number of the adviser/tutor completing the referral should be included on the referral form. The LMDM will make contact where they need clarification or further information.</p> <p>The recording of any information you have about why the participant failed to complete the mandated activity is a requirement and will support the LMDM in making make a good cause decision.</p> <p>Following receipt of the DMA referral, the LMDM will contact the participant to establish their reason for failing to carry out the mandated activity. By including an up-to-date phone number and/or email address for the participant on the DMA referral form you will enable the LMDM to make contact with the participant as quickly and effectively as possible. This in turn will enable you to receive a prompt decision notification.</p>

<p>Check if a referral has already been made for this transgression?</p> <p>Do your own records enable your advisers to be aware of referrals made to the LMDM and the returning decision?</p>	<p>Check your systems to ensure a duplicate referral is not made for the transgression. Having a clear process of recording sanctions made with in your supply chain and the decisions received back from the LMDM is both essential in terms of tracking your participant’s circumstances but also enables issues within your supply chain on quality of referrals to be addressed if reoccurring cancellations are down to incomplete/incorrectly completed forms.</p> <p>The LMDMs are able to identify duplicate referrals and will cancel any referrals where they hold one already. If you have not had a response to an original referral you should follow this up rather than send another.</p>
<p>Contact Provider Direct before every referral to confirm participant’s current details/circumstances</p> <p>More information can be found in Provider Direct Work Programme Guidance.</p> <p>Provider Direct must not be used for UC participants.</p>	<p>Provider Direct will advise you :</p> <ul style="list-style-type: none"> • of the correct address details if not the same as the ones held on your systems • of which benefit is being received on date of the transgression • if participant has transferred to alternative benefit • if a JSA Credits Only case • if a disallowance is in place • if the participant has started employment. <p>If there has been a change they will advise you whether or not the referral is still appropriate.</p>
<p>Check if the participant has been assigned MAPPA status?</p>	<p>All MAPPA DMA referrals are made clerically, to eliminate the</p>

<p>Do not use unencrypted email to send these referrals to the LMDM. Referrals for MAPPA cases must always be made clerically.</p>	<p>risk of sensitive information being provided wider than required. Unrestricted access to participant's data poses a demonstrable risk to the individual's safety. The emailing of MAPPA participant information would constitute a security incident.</p>
<p>Check if the participant has been assigned SCR status?</p> <p>Do not use unencrypted email to send these referrals to the LMDM. Referrals for SCR cases must always be made clerically.</p>	<p>All SCR DMA referrals are made clerically, to eliminate the risk of information being provided wider than required and the identity of participants being disclosed. Unrestricted access to participant's data poses a demonstrable risk to the individual's safety. These participants must not have their details held on any electronic systems. The emailing of SCR participant information would constitute a security incident.</p>
<p>Ensure the referral is made as soon as possible after the date of transgression.</p>	<p>The policy intent is that any sanction imposed should be clearly linked to the participant failing to carry out a mandated activity. This link is less obvious where there has been an extended period of time between the transgression and the referral to the LMDM being made.</p> <p>There is also an increased risk that when questioned by the LMDM about why they failed to carry out the mandated activity, the participant may respond they did not remember. The longer the spell between transgression and referral, the more believable this reason becomes.</p>
<p>Ensure you have systems in place to update your supply chain on</p>	<p>LMDMs will include reasons for a DMA cancellation in the</p>

<p>any decisions returned from the LMDM and be assured that all changes reported via the LMDM outcome notifications are actioned timeously.</p>	<p>outcome notification, for example change of address or vulnerable status identified.</p> <p>Check your records before making a referral to avoid repeat mistakes and further cancellations.</p>
<p>Use the DMA Quality Assurance Framework (QAF).</p>	<p>The QAF is a support tool available to help you achieve a high standard of sanction doubt referrals. It will help you identify gaps in knowledge and understanding on which you can base individual development and improvement plans.</p> <p>It can also be used more directly in your processes to identify errors before sending referrals so they are resolved before they go. An interactive QAF is available to check referrals prior to submission. Where your systems prevent this, you should use this as a tool to support evaluation of the quality of referrals, and identify improvement actions as required.</p>

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<p>Undertake management check of all referrals prior to transmission to LMDM.</p>	<p>A management check of sanction referrals will enable providers to monitor quality of referrals, compliance of their advisers and ensure all activities have been carried out prior to referral. This will ensure the referral is of good quality and in turn will reduce the amount of nugatory work that occurs when poor quality referrals are cancelled. The DMA QAF will also support this action.</p> <p>Where your systems prevent checks prior to transmission, it is recommended that you have controls in place which highlight trends in DMA cancellations, so reasons can be identified and improvement actions implemented.</p>