

Withdrawn

This publication is withdrawn.
The publication is no longer current.

Section 07– Returning to the programme

This Section pertains to referrals to Work Choice made **prior** to the current contracts' extension period in England and Wales which commenced in April 2017, and to referrals in Scotland up to 31st March 2017.

For guidance pertaining to all referrals to Work Choice in England and Wales made **during** the current extension period, specifically referrals from 25th April 2017 for contracts originally awarded in 2010, and from 7th April 2017 for Remploy, please see "Work Choice Provider Guidance: Post-April 2017" version which will be found on GOV.UK :

<https://www.gov.uk/government/collections/dwp-provider-guidance>

NOTE: The provisions for returning to the Work Choice programme, in the circumstances set out in this Section, have now been constrained or overtaken by the upcoming closure of the programme and the final referral dates.

Parts of this Section are clearly no longer applicable but Section 7 is retained here for reference and to give guidance on certain additional flexibilities and easements which have been introduced.

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Returning to the Programme

NOTE: The right to return to the Work Choice programme, in the circumstances set out in this Section, is necessarily constrained by the closure of the programme and the final referral dates. Any former participant who returns to the programme during the 2017 extension period (see above) will be referred as a New Start and the Post-April 2017 Provider Guidance will apply.

Participants' Rights and Flexibilities

- 7.1. It is recognised that a significant obstacle to people progressing from supported to unsupported employment is the perception that once they have left the provision they could find it difficult to return to it, should they need to. We want to give people the confidence to fulfil their potential by ensuring they are aware they can return to Work Choice for support if the need arises, **for as long as the programme is admitting new referrals.**

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- 7.2. **NB** this also applies to former WORKSTEP participants, and those who may have originally been participants in the Supported Employment programme, working fewer than 16 hours.

Module One

- 7.3. A participant who leaves the Work Choice programme during Module One, before completing the whole of the module may be re-admitted to the programme within six months of day of last attendance for the remainder of the module time for as long as the programme is admitting new referrals.

Note: You should be clear, this measure is a flexibility designed to avoid disadvantaging participants with fluctuating disabilities. This is **not** “balance of time”; this term is used in DWP’s mandatory programmes and does not apply to Work Choice.

- 7.4. Any ‘lost ground’ due to ill health should be considered as reasonable grounds to allow an extension up to the 12 month maximum.
- 7.5. Allowing up to 12 months, for this reason, avoids disadvantaging participants with fluctuating health conditions or other extenuating circumstances.
- 7.6. Absenteeism should be dealt with at your discretion. You must bear in mind the voluntary nature of the Work Choice Programme and the need to focus provision on those who need it the most. As health conditions can fluctuate, Module One places should remain open for up to a maximum of eight calendar weeks from date of last attendance.

Module Two or Three – Supported Employees

- 7.7. If a supported employee leaves Module Two or Three on progression into unsupported employment, they can return to the Work Choice programme within two years of the date of progression without the need to assess their eligibility / suitability, provided the programme is still admitting new referrals.
- 7.8. If a supported employee leaves Module Two or Three for any reason other than progression, they can return within one year without eligibility / suitability being re-assessed, provided the programme is still admitting new referrals.
- 7.9. If you succeed in negotiating a return to supported work with an existing employer within 6 calendar weeks of progression from Work Choice this will be treated as a Retention and you will wish to note the guidance in [Section 8 \(Retention\)](#) and [Section 16 \(Claiming payment for Retentions\)](#). Retentions, like New Starts, can only be referred for Work Choice support for as long as the programme is admitting new referrals.

Moving between employers whilst in Module 2 or Module 3

- 7.10. It will occasionally be possible/desirable to facilitate a move to a different employer, whilst remaining continuously supported by the Work Choice programme, if it is in the interests of your participant.

Examples of this might include:

- Existing employer closing, or making participant redundant, another job has been found;
- Short-term employment contract due to expire, another opportunity has arisen;
- Suitable Protected Place arises within a Supported Business, participant wishes to move into it;
- More suitable job identified elsewhere, participant wishes to move;
- Participant receives alternative job offer, wishes to accept it.

This list is not exhaustive – you should consult your Performance Manager – but any job move must be your participant’s informed choice.

Timing

- 7.11. Work Choice participants may choose to change employers whilst in Module 2 or 3 and this can include a move into or out of a Supported Business. As noted in Work Choice Live Running Memo 57, you should endeavour to ensure that any change of employer is managed as quickly and smoothly as possible, in the interests of your participant, but in any case a break in employment in order to change jobs should not normally exceed four weeks (but see Easement below). NOTE: The participant will not return to Module 1, but “mark time” in Module 2 (or 3) for a short period.
- 7.12. EASEMENT: If any Module 2 (or 3) participant loses a supported job, and there is no obvious opportunity to move to a new job before the job is lost, a break of longer than four weeks may be permissible. This flexibility has been approved because it is no longer possible to return to the Work Choice programme (at the discretion of the JCP work coach or DEA) as programme referrals have now finished. If your participant wishes it, you may submit a request for extra time to your Performance Manager outlining your reasons for requesting longer than four weeks.
- 7.13. The request to your Performance Manager may be made by email and must include reasons why continued participation would be in the best interests of your participant, how many more weeks’ participation you are requesting and how it would improve your participant’s chances of achieving their goal of independent, unsupported employment. Each case will be considered on its merits.

NOTE: if your Module 2 (or 3) participant had occupied a Protected Place, you must declare the Protected Place as unoccupied in the interim. Full guidance

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on Protected Places and Supported Businesses will be found in Sections 13 and 14 of this Provider Guidance.

- 7.14. In all cases, you must ensure your participant is fully informed; chooses to remain in the Work Choice programme whilst changing jobs; is aware your support is ultimately constrained by Work Choice's end-of-provision date (if pertinent); is aware that continued participation may render them ineligible for other DWP programmes (concurrently); and any interim claim for benefits, whilst between jobs, does not affect their eligibility for continued participation. All this must, of course, be recorded in the participant's Development Plan.
- 7.15. You should be clear, should your participant move employers whilst continuously supported by Work Choice you may not make a second claim for a Supported Short Job Outcome.
- 7.16. The definition of a Supported Short Job Outcome remains unaltered. This means that if the move takes place in the first 13 weeks of supported employment any break in that employment will result in an invalid Short Job Outcome.

Participant Loses a Supported Job

- 7.17. If your participant loses a supported job (i.e. whilst in Module 2 or Module 3) and you cannot manage a move to an alternative employer in the circumstances and timeframes indicated in the paragraphs above, including any extensions, you should exit your participant from the programme via PRaP, create a Leaver Report as per Section 9 of this Guidance, and advise your participant to speak to a work coach at their local Jobcentre for advice on other appropriate DWP programmes or local sources of help and assistance.
- 7.18. More information about Leaver Reports will be found in Section 9 of this guidance. Section 9 Development Planning and Leaver Planning.
- 7.19. It is for your (former) participant to decide if they wish to re-join the Work Choice programme. **If the programme is still accepting referrals**, you may suggest that they discuss this with their DEA or work coach, and note it in their Leaver Report, but you may not request, or expect, a new referral from JCP.
- 7.20. In the case of a former participant with returner's rights the DEA is not required to re-establish eligibility / suitability but **will discuss alternatives and options with the customer**, including the possibility that Access to Work may be a preferable option, and make the new referral to the programme (to the Work Choice provider selected by the customer) if appropriate for as long as the programme is admitting new referrals. If the customer chooses to return to the programme they will enter Module One as a new referral.

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- 7.21. Please note: a new referral to the programme cannot be made until the previous exit notification has been processed by PRaP.

Recording Returners

- 7.22. If you are approached by a former participant who has formally left the Work Choice (or WORKSTEP) programme, you must direct them to re-apply via their DEA or Statutory Referral Organisation, as before, for as long as the programme is admitting new referrals in order to generate the referral to Work Choice via the PRaP system.
- 7.23. This is because those former participants who are eligible to return within the set periods as detailed above will not be subject to an eligibility / suitability check, but their return must be recorded as a referral / start in the usual way.
- 7.24. You should also be aware that some former participants may be claiming benefits or allowances which stipulate attendance on mandatory DWP programmes. Any direction to suitable mandatory provision will take precedence over a voluntary return to Work Choice in circumstances where eligibility and suitability are not re-examined. Where a DEA considers eligibility and suitability and determines Work Choice as more suitable than a mandatory DWP programme, normal referral rules will apply.

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