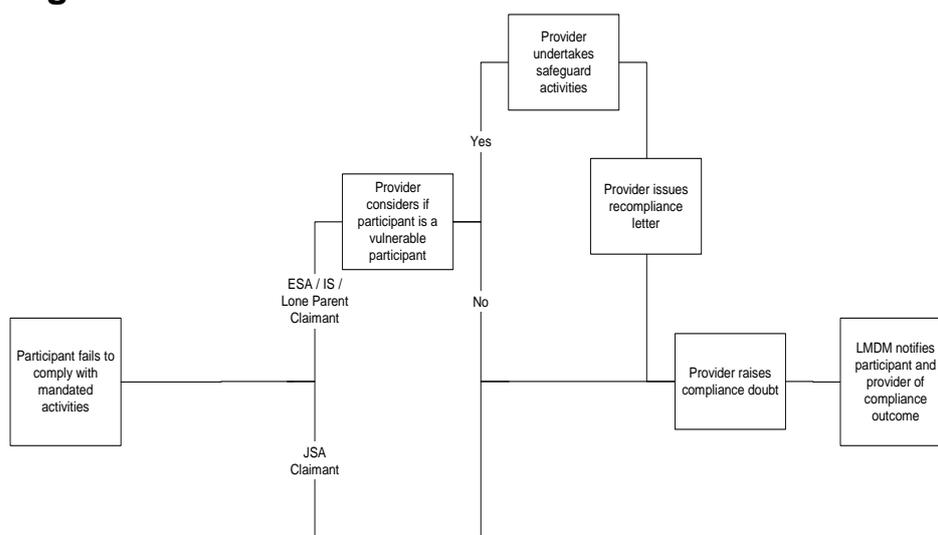


Chapter 6 – Raising a compliance doubt

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High Level Must Dos



Raising a compliance doubt

1. When you mandate a participant to an activity and they Fail To Participate (FTP), you must raise a compliance doubt on form WP08.
2. One compliance doubt form (WP08) must be completed per participant for each instance of FTP.
3. Prior to the compliance doubt completion, an activity to re-comply must be decided and notified to the Employment and Support Allowance (ESA) or IS Lone Parent participant. Further information regarding this can be found in the [Work Programme Guidance Chapter 7 – From 3rd December 2012 - Re-compliance and Reviewing a Sanction](#)
4. Do not ask the participant for a good reason to determine whether or not to raise a WP08. You have no option but to raise a doubt once the participant has failed to participate in a mandated activity, irrespective of whether or not they have offered an explanation afterwards. The LM DM will consider the reasons given and must make the good reason decision.

Please Note: An Employment and Support Allowance (ESA) participant, who has a current sanction which was imposed for a failure to participate before 3rd December 2012, cannot be subject to a further sanction until re-engagement has taken place. If you were to mandate a participant who is already sanctioned and subsequently raise a compliance doubt, the referral would be returned 'cancelled' by the Labour Market Decision Maker (LMDM).

Actions

- Consider if an Employment Support Allowance (ESA) or IS Lone Parent participant is in a vulnerable group ([see next activity step](#))
- (ESA/ IS Lone parent participants only) issue the participant the notification in [Annex 1 of the Work Programme Guidance Chapter 7 – From 3rd December 2012 - Re-compliance and Reviewing a Sanction](#) stating what activity they must undertake to re-comply
- Complete a compliance doubt referral (WP08 or WP08 (Email)) form as appropriate) and include any supporting evidence e.g. volunteered participant statement, (ESA/ IS Lone Parent participants only) re-

compliance activity, relevant supporting information from the Mandated Activity Notification (MAN). All supporting evidence must be noted on the WP08 or WP08 (email) form, no additional documents should be included.

- Continue to engage with the participant in line with your delivery model irrespective of the outcome

Consequences

If you ask the participant for a good reason/make a good reason decision, you will be doing so without any legal authority. The LM DM is the only person legally allowed to ask a participant for a good reason /make a good reason decision. Therefore, you will waste resource by duplicating this activity and potentially delay sending the WP08.

If you do not raise a doubt the participant may continue to fail to engage with the programme.

Background

5. Further detail is provided in the [Background and Further Information Section](#).

Provider considers if participant is a vulnerable ESA / IS Lone Parent participant

6. Not all ESA/ IS Lone Parent participants are classified with a vulnerable status.
7. Where an ESA / IS Lone Parent participant is identified as having a vulnerable status, and they fail to participate with a mandatory activity, you are required to make every effort to ensure that the participant has understood the requirement to undertake the agreed mandatory activity.

Actions

- Identify whether the ESA/ IS Lone Parent participant is in a vulnerable group

Consequence

If you do not identify a vulnerable ESA/ IS Lone Parent participant you will not be safeguarding that participant's welfare.

Background

8. Further detail is provided in the [Background and Further Information Section](#).

Completing and sending the WP08

Hints and Tips Guide

9. Please see the [Hints and Tips \(WP08 Interactive version\) guide](#) or [Hints and Tips \(WP08 Word version\) guide](#) before completing the WP08.
10. This has been developed to help ensure that you enter all of the relevant information before submitting it to the LMDMA team for a decision. Following the guide will help to minimise the number of cancelled decisions.

Decision Making and Appeals (DMA) referrals Quality Assurance Framework (QAF)

11. In addition to the WP08 Hints and Tips guide, there is also a [DMA referrals QAF tool](#) to help sample check referrals before they are sent to ensure they are at a consistently high standard enabling the Labour Market Decision Makers (LMDMs) to make decisions. The QAF is in the form of an interactive checklist, to support overarching standards for all DMA referrals.
12. For every instance where a participant fails to participate in a mandated activity, you are required to raise a separate compliance doubt form 'Failure To Participate in the Work Programme' [WP08](#) or [WP08 \(Email\)](#).
13. You should not wait to be notified of previous compliance doubt decisions before raising another compliance doubt. There is no limitation on the number you can send per participant.
14. It is important that the WP08 is completed and sent as soon as possible, to ensure that there is a clear link in the participant's mind between FTP with a mandatory activity and the sanction that can be applied.

Actions

- To complete [form WP08](#) to send clerically:
 - Ensure all relevant information from the Mandatory Activity Notification (MAN) is included (especially supporting information

e.g. volunteered participant statement, (ESA/ IS Lone Parent participants only) re-compliance activity, background information - as appropriate)

Please note: a copy of the MAN or additional documents are **not** required

- The correct address for the return of the sanction decision is included.
- Print out the WP08 and send securely to the Labour Market Decision Maker (LM DM) Administration Team in your linked ([Annex 1](#)) Benefit Centre (BC). This process will remain in place until a secure IT solution is developed. For further information regarding sending documents securely please refer to [Generic Provider Guidance, Chapter 8 – Information Security](#)
- If the participant is a vulnerable ESA/ IS Lone Parent participant, explain what steps you have taken to ensure the participant understands the requirements
- To complete form WP08 (Email) and send by unencrypted email to your linked ([Annex 1](#)) Benefit Centre (BC).– refer to background and further information – [Completing and sending the WP08 \(Email\) - by unencrypted email.](#)

Consequences

Where you fail to undertake the WP08 process timeously, the participant may no longer be in receipt of benefit by the time the decision is made and the LM DM will be unable to potentially impose a sanction.

If you do not include all the relevant information on the WP08, it will result in the LM DM having to go back to you for clarification, further **delaying** a sanction decision and causing more work for yourself and LM DM.

Background

15. Further detail is provided in the [Background and Further Information Section](#).

LM DM notifies provider and participant of the outcome

16. You will receive a copy of the outcome of the compliance doubt either by unencrypted email or by post (depending on the method you are using –

refer to background and further information). This is irrespective of the whether the participant has had a sanction imposed or not.

17. If the participant has stopped claiming benefit, before or during the decision making process, you will not receive a copy of the sanction decision. A change of circumstances form will be sent to you as appropriate.

Actions

- Continue to engage with participant in line with your delivery model irrespective of the outcome
- Record the outcome decision as this may be needed for evidence to support any further WP08 referrals

Background

18. Further detail is provided in the [Background and Further Information Section](#).

Detailed Background and Further information

Raising a compliance doubt

What is the relevance of Decision Making and Appeals (DMA) in the Work Programme (WP)

19. When a claimant takes part in the Work Programme, they are taking part in a scheme established by law under the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013 and the Jobseeker's Act 1995 section 17A.
20. For ESA the WP is governed by sections 13 and 15 of the Welfare Reform Act 2007 and the Employment and Support Allowance (Work-Related Activity) Regulations 2011. For IS Lone Parents Work Programme legislation is covered by the Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014
21. It is a programme designed to help certain participants enhance employment prospects and gain opportunities to develop skills and disciplines associated with a normal working environment. DMA is used to support you (via compliance doubt process) to encourage participation in the programme with sanctionable consequences for non participation.

Failure To Participate (FTP)

22. A participant could be deemed as FTP in a mandated activity if they do not attend or refuse to take part fully. This could also include where they leave voluntarily or are asked to leave due to inappropriate behaviour.
23. Participation can be given a very broad meaning as the participant is informed when selected to participate in the WP that their responsibilities are to
- make the most of the help the provider gives
 - treat the provider and other participants politely, fairly and considerately
 - attend meetings or take phone calls at the times agreed
 - complete any activities the provider tells you to do
24. Therefore, 'participation' can include attending interviews and appointments at an agreed time with the provider, as long as the participant is duly notified.

DMA and good reason decision

25. Good reason is not defined in the law, but has been considered in case law. It includes facts which would probably have caused a reasonable person to act as the participant did. The LM DM will take account of all of the facts of the compliance doubt before coming to a decision.
26. Once a compliance doubt has been raised, the participant will be asked by the LM DM to provide a 'good reason' for not complying. This is even where you have recorded any reasons volunteered by the participant when referring a compliance doubt.
27. The LM DM will take into account all of the circumstances and evidence presented and will determine whether or not there was good reason for FTP.
28. The LM DM should also consider any previous history of the participant's failure to participate. This behaviour may be relevant as evidence of credibility of the evidence that has been presented to support good reason on this occasion.
29. It is therefore important that you also provide any information in the compliance doubt that may provide additional background.

Good reason decision

30. There is no time constraint for a claimant to show good reason. The LM DM should consider what is reasonable in the individual's circumstances. This could mean setting a shorter time frame for the return of information, and in some cases a longer time frame if they know for example the participant is going to have to source evidence from a third party.
31. For example, a participant was issued with a request for good reason today. The LM DM is aware that the participant lives in a remote area where postal delays are well known and therefore the LM DM sets a reasonable 10 day time limit in respect of these circumstances. The claimant still hasn't replied by the 10th day so the LM DM makes a decision to disallow on the basis that the participant has had a reasonable length of time to reply.
32. However, information which is received late by LM DM, but merely serves to verify or clarify evidence which was received, can be taken into account.
33. It is therefore important that if you receive any volunteered information from the participant relating to the compliance doubt **after** the WP08 has been sent, you communicate this to the LM DM Administration Team in the BC. There is no specific form/template for this process.

Please note: if you are using unencrypted email, any additional information **MUST NOT** be communicated by unencrypted email. Any additional information must be communicated to the LMDM by letter or telephone, as agreed locally.

Good Reason and MAN letters

34. The guidance for LMDMs explains that they should not routinely ask for a copy of the MAN in order to make a sanction decision; however that does not mean that they never ask to see a copy of the MAN either.
35. The legal requirement in the JSA Regulations, explains that before the LMDM looks at whether the participant failed to participate without good reason, they have to be satisfied the participant was correctly notified. The relevant information on MAN is normally recorded on the WP08 sanction referral form for evidentiary purposes and in the majority of cases this will be enough to satisfy the requirement.
36. However, if the participant raises the MAN as an issue in his 'good reasons', then the LMDM will require a copy of the MAN, for example; participant didn't receive it or the wrong information was on it or not enough detail to be able to complete the required activity. Also if the

participant is sanctioned and appeals the decision, the LMDM will require the MAN as evidence to support the appeal submission and this is the guidance that appeals officers are given.

ESA/ IS Lone Parent participants

37. Sanction action can only be taken by the LM DM if the participant understands that the mandatory activity is part of their Work-Related Activity (WRA) requirements for mandatory ESA/ IS Lone Parent participants. Further information about mandation and ESA/ IS Lone Parent sanctions can be found in [Work Programme Chapter 3a – Mandation](#).
38. You are expected to continue to work with the participant. However, should the participant subsequently fail to participate with a new mandated activity, you must raise a compliance doubt.

Reconsideration of mandated activity for ESA/ IS Lone Parent participants

39. ESA/ IS Lone Parent participants may request a reconsideration of any activity they have been mandated to undertake. Where they do so you must look again at the activity and take into account why the participant does not feel the activity is appropriate, reconsider if the activity remains reasonable and appropriate in the participant's circumstances.
40. Requests for a reconsideration should be considered as soon as possible with your decision being notified to the participant in writing. There is no specific form/template for this process.

JSA participants

41. Sanction action can be taken by the LM DM against JSA participants so that their benefit may be reduced or not paid if, without good reason, they fail to participate in the WP. Further information about mandation and JSA sanctions can be found in [Work Programme Chapter 3a Mandation](#).
42. You are expected to continue to work with the participant. However, should the participant subsequently fail to participate with a new mandated activity, you must raise a compliance doubt.

Work experience on a voluntary basis

43. When a JSA participant is mandated to maintain basic standards of behaviour with a work experience host employer, and is subsequently dismissed, you must make arrangements to take compliance doubt action.

44. You must ascertain if the dismissal was due to behaviour that has fallen below acceptable standards and is considered to be gross misconduct. Gross misconduct is considered to be Failure To Participate (FTP). Further information regarding gross misconduct can be found in Work Programme Guidance [Chapter 3c – work experience on a voluntary basis and community benefit work placements](#).
45. If you consider that the participant has committed gross misconduct you will need to complete the [WP08 \(clerical\) form](#) or [WP08 email](#). You are expected to make your own arrangements regarding how you get information about an incident of gross misconduct from the host employer.

Work placement (community benefit)

46. When a JSA or ESA participant is undertaking community benefit work placements they will have been mandated to do so using the normal mandation process. If they FTP in community benefit work placement you must take compliance doubt action. Further information regarding community benefit work placements can be found in Work Programme Guidance [Chapter 3c – work experience on a voluntary basis and community benefit work placements](#).
47. You are expected to make your own arrangements regarding how you get information about the FTP from the host employer. You will need this information to complete the WP08 (clerical) or WP08 (email).

Provider considers if participant is a vulnerable ESA/ IS Lone Parent participant

48. Vulnerable ESA/ IS Lone Parent participants are those who have mental health conditions or learning disabilities or conditions affecting communication/cognition.
49. It is your responsibility to make every effort to see vulnerable ESA/ IS Lone Parent participants face to face (which may include a visit to their home) to ensure that they fully understand their responsibilities before proceeding with a compliance doubt.

Guidance on helping people with mental health conditions to find and stay in employment can be found by clicking on this [link](#).

50. In these circumstances you will need to contact the participant, or their nominated advocate to arrange the face to face meeting.

51. Any activities you undertake to contact the participant must also be noted in the information you send as part of your evidence to support the compliance doubt.
52. If a vulnerable ESA/ IS Lone Parent participant fails to carry out a mandated activity you should consider whether their health condition could be a reason for their failure to comply before raising a compliance doubt. You are not normally expected to visit a participant at home, but you should consider doing so if:
- there is genuine doubt or uncertainty; for example, where somebody has disappeared
 - there is serious concern about a mental health condition, learning disabilities or conditions affecting communication/cognition
 - somebody has disengaged for no apparent reason, and it is necessary to find out more

Identifying a vulnerable ESA / IS Lone Parent participant

53. To assist in your identification of a vulnerable ESA/ IS Lone Parent participant you should use any information provided by Jobcentre Plus, meetings and communication you have already had with the participant.
54. It is advisable to continuously review a participant's vulnerable status as this may change during their time on the Work Programme.

Note: The safeguarding measures you are required to undertake for vulnerable ESA/ IS Lone Parent participants are in addition to your legislative requirements regarding vulnerable participants (further information regarding your legislative requirements can be found in [section 2 of the generic provider guide](#)).

Re-arranging a mandated activity prior to activity date

55. 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 re-arrange the activity. Further information can be found in the [Work Programme Guidance Chapter 3a – Mandation](#).

Completing and Sending the WP08 - Clerically

56. When you have identified a compliance doubt you must complete [form WP08 \(clerical\)](#).

Please Note: (ESA / IS Lone Parent participants only) Prior to the compliance doubt completion; an activity to re-comply must be decided and notified to the participant using the notification in [Annex 1 of Work Programme Guidance Chapter 7 – From 3rd December 2012 - Re-compliance and Reviewing a Sanction](#).

57. The LM DM will make decisions in the date order the doubts are received.

This could mean sanctions may be imposed immediately after one another.

58. The WP08 (clerical) needs to be sent to the LM DM Administration Team in your linked ([Annex 1](#)) BDC.

59. Therefore it is important that you:

- Send daily (if possible) or as soon as is possible after the FTP date – ensuring the link between cause and consequence is maintained
- Avoid batching WP08s – batching over a period of time until you have a self determined quantity to send, could mean a delay between FTP date and LM DM receipt and will impact on LM DM resource
- Include the name and contact phone number of the advisor who completes the WP08, to allow the LMDMA team to quickly contact them should the need arise.
- Ensure that you inform your Performance Manager of any changes relating to you or your sub contractors, as this will impact on how you communicate to your linked BC (as detailed in [Annex 1](#))

60. These factors could individually/collectively contribute to delaying a sanction decision being made.

61. Detailed information relating to the completion of [form WP08 \(clerical\)](#) is included with the form.

62. It is important to note that the relevant information for the MAN should be transposed onto the WP08 rather than the MAN itself being attached to the WP08. This is because the LM DM will work on the assumption the participant was correctly notified. It would be for the participant to prove that on the balance of probabilities they did not receive the MAN in order to show good reason.

For example: A participant is notified that he is required to participate in a WP activity. They FTP and explained the reason why they did not attend their activity was because they thought that they would not gain the skills that they think they needed. The LM DM considers whether this is good

reason for them not participating. The LM DM need not consider the notification issue. It can be assumed he was correctly notified.

Completing and Sending the WP08 (Email) – by Unencrypted Email

Note. Please [see Annex 2](#) for details of how to complete the WP08 (email) form

63. DWP Operational Security have agreed an exemption to the DWP standard security requirements to allow you and your sub-contractors to send the WP08 to the LM DM Administration Team in your linked ([Annex 1](#)) BDC and receive decision notifications back from them, via unencrypted email.
64. Before you or your sub-contractors begin to make Work Programme FTP DMA referrals using the unencrypted email process, you must have signed a contract variation with DWP permitting you to use the process.
65. Only those sub-contractors who have been formally approved as sub-contractors by DWP may use unencrypted email to send WP08 referrals.
66. Before you or your sub-contractors begin to send WP08 referrals via unencrypted email, you must have provided your DWP performance manager and your linked BDC single point of contact (SPOC) with the single point of contact names, contact details and generic inbox addresses for you and your sub-contractors whom you have permitted to use the unencrypted email process, and agreed the date from which the you and your sub-contractors will begin to send WP08 referrals via unencrypted email with both your DWP performance manager and linked BDC single point of contact.
67. If you wish to allow a new sub-contractor to begin to send WP08 referrals via unencrypted email, you must provide your DWP performance manager and your linked BDC SPOC with their single point of contact name(s), contact details and generic inbox address(es) and agree the date from which the new sub-contractor will begin to send WP08 referrals via unencrypted email with both your DWP performance manager and linked BDC SPOC.
68. If you decide that you or one of your sub-contractors no longer wish to use the unencrypted email process, you must notify your DWP performance manager and linked BDC SPOC of the date you wish this change to be effective from as soon as possible. You should agree with your linked BDC

SPOC whether any outstanding decisions will either be sent to an alternative inbox address or returned clerically to an address you choose.

69. When completing the WP08 (Email), ensure all relevant information from the Mandatory Activity Notification (MAN) is included on the WP08 (Email) form (especially supporting information e.g. volunteered participant statement, background information - as appropriate) If the participant is a vulnerable ESA/ IS Lone Parent participant, explain what steps you have taken to ensure the participant understands the requirements

Please Note: (ESA/ IS Lone Parent participants only) Prior to the compliance doubt completion; an activity to re-comply must be decided and notified to ESA participant using the notification in [Annex 1 of Work Programme Guidance Chapter 7 – From 3rd December 2012 - Re-compliance and Reviewing a Sanction.](#)

70. A copy of the MAN or other documents is not required. No documents may be attached to the WP08 (Email) form, all relevant information must be noted on the form itself.
71. Please be aware that it is a key security requirement that only one WP08 (Email) must be included per email. You cannot, for example, include several WP08 (Email) for the same participant in one unencrypted email.
72. Ensure that the correct email address for the return of the sanction decision is included in the WP08 (Email) form. .

Please note: this must be the generic in-box address that the decision notification is to be emailed to, not the individual adviser address.

73. The Provider Correspondence address should be the postal address to which any queries or further correspondence should be sent by Decision Makers.
74. Email the completed WP08 form to your linked Benefit Delivery Centre email address.(see Background and Further Information Section, Completing and Sending the WP08)

Clerical contingency

75. There may be occasions when due to circumstances such as IT failure you are temporarily unable to transmit referrals via unencrypted email to the BDC.
76. In these circumstances you must ensure that your linked BDC SPOC is kept informed of the situation and how long you anticipate it lasting.

77. If you anticipate the situation will continue for forty eight hours or longer you must revert to making clerical Work Programme FTP DMA referrals until the problem is resolved and you are able to use the unencrypted email referral route again.
78. Your linked BDC SPOC should be kept updated prior to you starting to make clerical referrals and informed prior to you beginning to use the unencrypted email process again.
79. If the BDC is unable to email decision notifications to you due to circumstances such as IT failure, your linked BDC SPOC will contact you to inform you of the problem. If it is anticipated that the problem will be rectified within 48 hours, the BDC SPOC may ask you to temporarily stockpile any referrals to avoid the BDC inbox becoming overloaded when the system becomes available again. If it becomes apparent that the problem may continue beyond 48 hours, your linked BDC SPOC will contact you to request that you revert to making clerical referrals until further notice.

Emailing the WP08 form to the BDC

80. The WP08 must be emailed to your linked BDC LM DM designated Administration Team email address.
81. Each email must never contain more than one WP08 form per email.
82. Each email must contain ONLY the following standard content:
83. Standard wording to be displayed in email 'Subject Box':
- WP08
 - Claimant's surname
 - NINO – only last 3 characters
84. Standard wording to be displayed in email 'Narrative Box' - Sender contact details
85. Email attachment - Completed WP08 form

Please Note: No other information may be transmitted by unencrypted email.

Special Customer Records

86. If the participant is identified as having a Special Customer Record (SCR), the completion of the form remains clerical (even if you use unencrypted emails). These participants must not have their details held on any electronic systems. The process for raising a compliance doubt and request for review of a sanction for SCR participants and those participants with MAPPA status will remain clerical,
87. Your Nominated Officer should complete the form, ensure that 'SCR participant' is marked clearly and securely send to the Nominated Officer in the relevant LM DM Administration Team

Further information may be found in [Generic Provider Guidance Chapter 2 - Delivering DWP Programme Provision](#).

88. All information on SCR participants whether received from Jobcentre Plus or generated by yourselves must be stored securely at all times. Further information is contained in [Generic Provider Guidance Chapter 8 – Information Security](#).

Further information required by LM DM

89. There may be occasions where the LM DM will need to clarify information that you have sent with the compliance doubt. It is considered good practice to set up points of contact locally for this purpose.

Please Note: Any additional information requested by the LM DM must not be sent to them using the unencrypted email process. The security exemption permitting the transmission of the WP08 form does not cover the transmission of any other information.

LM DM notifies provider and participant of the outcome

90. Where a decision on a doubt you have referred is made, you will receive a copy of that decision. If you are using the unencrypted email process, you will be emailed a copy of that decision from the LMDM to the designated in-box address you noted on the WP08 form.
91. When you have received the outcome notification of the compliance doubt, make a note against your participant records. You are required to give the participant opportunity to re-engage and therefore need to be aware of any pending decisions or decisions made. Further information regarding this can be found in the [Work Programme Guidance Chapter 7 – From 3 December 2012 - Re-compliance and reviewing a sanction](#).

92. In some cases, the decision may contain additional information regarding potential improvements to your compliance doubt referral. It is recommended any advice is taken on board and/or discussed at any WP improvement meetings.

WP08 returned with no decision

93. A compliance doubt (WP08) may be returned when the LM DM 'cancels' the compliance doubt. This reason could be:

- When they find out that the participant was not in receipt of benefit at the point at which they FTP with the mandated WP activity (A change of circumstances will be sent to you as appropriate).
- An existing sanction for a pre 3rd December 2012 failure is in place that cannot be increased further.
- The referral was for an IS Lone Parent and was made during the 2 week easement period (**see WP Guidance Chapter 3 a, Para 21 – insert link**)
- When they have cancelled a WP provider sanction referral due to the provider having the wrong customer address, the LMDM will note the correct address on the decision letter to inform the provider.
- Please note, if you are using the unencrypted email process, the WP08 form will not be emailed back to you. The LMDM will email a decision notification informing you of the cancellation.

Jobseekers Allowance Hardship Provision

94. Where a sanction is imposed on a participant for either FTP in the Work Programme or due to a JSA entitlement doubt raised by Jobcentre Plus, their benefit will be affected for the period of the sanction. Please note the sanction is only applicable to the participants' individual benefit, so in the case of a joint claim, the partner's proportion of JSA would be unaffected (unless the partner already had a sanction of their own).

95. However, if eligible the participant may be able to make a claim to hardship provision which if the claim was successful would make a hardship payment. Unless the participant is deemed as being in a vulnerable group they will have to wait for 14 days before being eligible of hardship. The hardship payment will provide a reduced rate of benefit to provide a minimum level of financial support.

96. If a participant asks about or requests information on Jobseekers Allowance hardship provision you should direct them to their Jobcentre Plus office.

Hardship Provision (ESA)

97. Where a sanction is imposed on an ESA participant for FTP in the Work Programme their benefit will be affected for the period of the sanction. Please Note that the sanction will only be applicable to the participants' personal allowance their Work Related Activity Component will remain in payment.
98. If an ESA participant receives a sanction they will be eligible to apply for hardship provision from day 1 of the sanction. The participant will continue to receive the Work Related Activity Component. The hardship that a participant could be entitled to is 60% of the single persons prescribed amount. The claimant will only receive hardship payments if they are eligible and these will only be paid from the day they make the claim for a hardship payment.
99. If a participant asks about or requests information on ESA Hardship provision you should direct them to their Jobcentre Plus office.

Decisions, Reconsiderations and Appeals

100. Reconsiderations are a crucial part of the decision making and appeals process and are designed to put right an incorrect decision at the earliest opportunity. If the participant tells you they are not happy with the decision that they will be sanctioned, you should advise them to request a reconsideration with Jobcentre Plus.
101. In order to request a reconsideration, the participant can contact the office who sent the letter within one month of the date on the letter to request a written explanation of the decision. They should include within this request any additional evidence in support of the change of decision.
102. If the participant still believes the decision is wrong, they may have the right to appeal to an independent tribunal, the letter confirming the decision will advise if this is possible. The appeal must be in writing and within one month. Form GL24DWP is available from Jobcentre Plus offices may be used for an appeal.
103. All requests for written statements, reconsiderations or appeal must be within one month, except if there are special circumstances which meant the participant was unable to contact the office within this period.

104. If you receive a request from DWP to supply evidence of mandation you must ensure you supply this within the timescales requested.
105. You should advise the participant of the process and the timescales and direct them to the appropriate Jobcentre Plus office.

Annex 1 – WORK PROGRAMME - NEW MAPPING OF PROVIDERS TO DECISION MAKING SITES

WORK PROGRAMME - NEW MAPPING OF PROVIDERS TO DECISION MAKING SITES			
Work Programme Prime Provider	Which Contract Package Area (CPA)	EXISTING LINKS: Decision Making sites prior to 1 st Jan 2014	NEW LINKS: Decision Making sites from 1 st Jan 2014
A4e	2	Doncaster	Bolton
	4	Bromley	Bolton
	6	Bolton	Bolton
	9	Doncaster	Bolton
	17	Bolton	Bolton
Ingeus	1	Glasgow	Glasgow
	2	Glasgow	Glasgow
	3	Glasgow	Glasgow
	5	Birkenhead	Glasgow
	6	Birkenhead	Glasgow
	8	Glasgow	Glasgow
	16	Glasgow	Glasgow
Seetec	1	Derby	Annesley
	4	Wellingborough	Annesley
	7	Wellingborough	Annesley
Working Links	8	Merthyr	Merthyr
	11	Merthyr	Merthyr

Chapter 6

Work Programme Provider Guidance

	13	Merthyr	Merthyr
Avanta	5	Sunderland	Cosham
	7	Sunderland	Cosham
	10	Sunderland	Cosham
Serco	15	Hanley	Hoxton
	17	Hanley	Hoxton
ESG	15	Hanley	Glasgow
Rehab	12	Plymouth	Glasgow
	13	Plymouth	Glasgow
BEST (Interserve)	16	Newcastle	Cosham
Newcastle College	14	Walsall	Glasgow
	18	Walsall	Glasgow
G4S	7	Cosham	Cosham
	10	Cosham	Cosham
	18	Cosham	Cosham
Prospects	11	Cosham	Merthyr
JHP	12	Cosham	Hoxton
EOS Works Ltd	14	Basildon	Merthyr
Pertemps	14	Basildon	Hoxton
Maximus	3	Hackney	Glasgow
	9	Hackney	Glasgow
REED	3	Hackney	Merthyr
CDG	4	Hackney	Cosham

Annex 2 – Guidance Notes for Completing the WP08 Email Form

Part 1

1. Please enter the participant's full name, National Insurance number, date of birth, telephone number and the address you sent the Mandatory Activity Notification (MAN) to in the fields provided.

Part 2

2. You need to select 'yes' or 'no' from the drop-down menu to confirm whether each of the statement 1, 2, 3 are a true. Statement 4 also has the option of being not applicable (N/A).

Further information for safeguarding statements

- Statement 3 asks you to confirm the participation of the participant is mandatory (as per guidelines set out in the participant group table in chapter 2 of the WP provider guidance).
- *Statement 4 asks for confirmation of whether the participant is in a vulnerable group or not. If 'yes', you are satisfied with the action taken to contact the participant to ensure they understand the requirement to undertake the mandatory activity. If the participant is not in a vulnerable group, please enter 'N/A'.

If the answer to any statement in Part 2 is 'no', a sanction referral cannot be made.

Part 3

3. Enter the date that the participant's Mandatory Activity Notification (MAN) was issued (by hand or posted etc) to the participant (low level sanctions only).
4. By selecting from the drop-down menu, please state by which method the MAN was sent to the participant. NB, please note that all MAN's must be in writing – electronic means are not currently permitted.
5. If sent by post please indicate which class of post was used by choosing from the drop down menu.

Please Note: You need to complete this section for work experience where you have mandated participant to maintain basic standards of good behaviour.

Part 4

6. In this section, you are asked to provide full and specific details of what the participant was told to do and why/how they did not meet your requirement as specified. Please provide as much relevant detail as possible.

Section A

Include details of what they were mandated to do. Provide specific details of:

- The activity or activities that the participant was directed to undertake, including date and time of the activity.
- The reasons for directing the participant to undertake the activity. Such an explanation may include why or how the participant would benefit from successful completion of the activity.
- The timescales notified to the participant by or within which the activity had to be completed.
- What evidence the participant was asked to supply to show that the activity had been successfully completed. You should state whether the requested evidence was actually provided or to the degree that it was provided.

Please Note: you should note here if you have decided to mandate a Work Experience participant to maintain basic standards of good behaviour.

Section B.

7. Include any information/evidence relating to non-compliance to the mandated activity provided (unprompted) by the participant. This must only be included if the reason is volunteered to you, as you should not be collecting information relating to good reason.
8. If a reason is volunteered to you after the WP08 has been sent, pass this information to the relevant Decision Making and Appeal team. If no reason provided please insert N/A.

Section C.

9. ESA Participants only - What have you notified the participant that they must do to comply.
10. Please provide details of what you have asked the participant to do, if you are considering an alternative activity to the original mandated activity, you must have informed the customer in writing of the alternative activity.

Section D.

Please provide details such as:

- Any other information that you feel is relevant to this referral - this includes any statement provided by the host employer regarding the participant dismissal.
- Any history of previous compliance or non-compliance that is relevant to this referral. This could include instances where you have not mandated to specific activity on a number of occasions prior to the actual mandation.

Part 5

11. Please enter the contact details of the person/provider completing this form.
12. By doing so, you are confirming that the form has been completed fully and accurately. It is important that you complete the provider correspondence address as this is where the sanction decision will be sent to.