

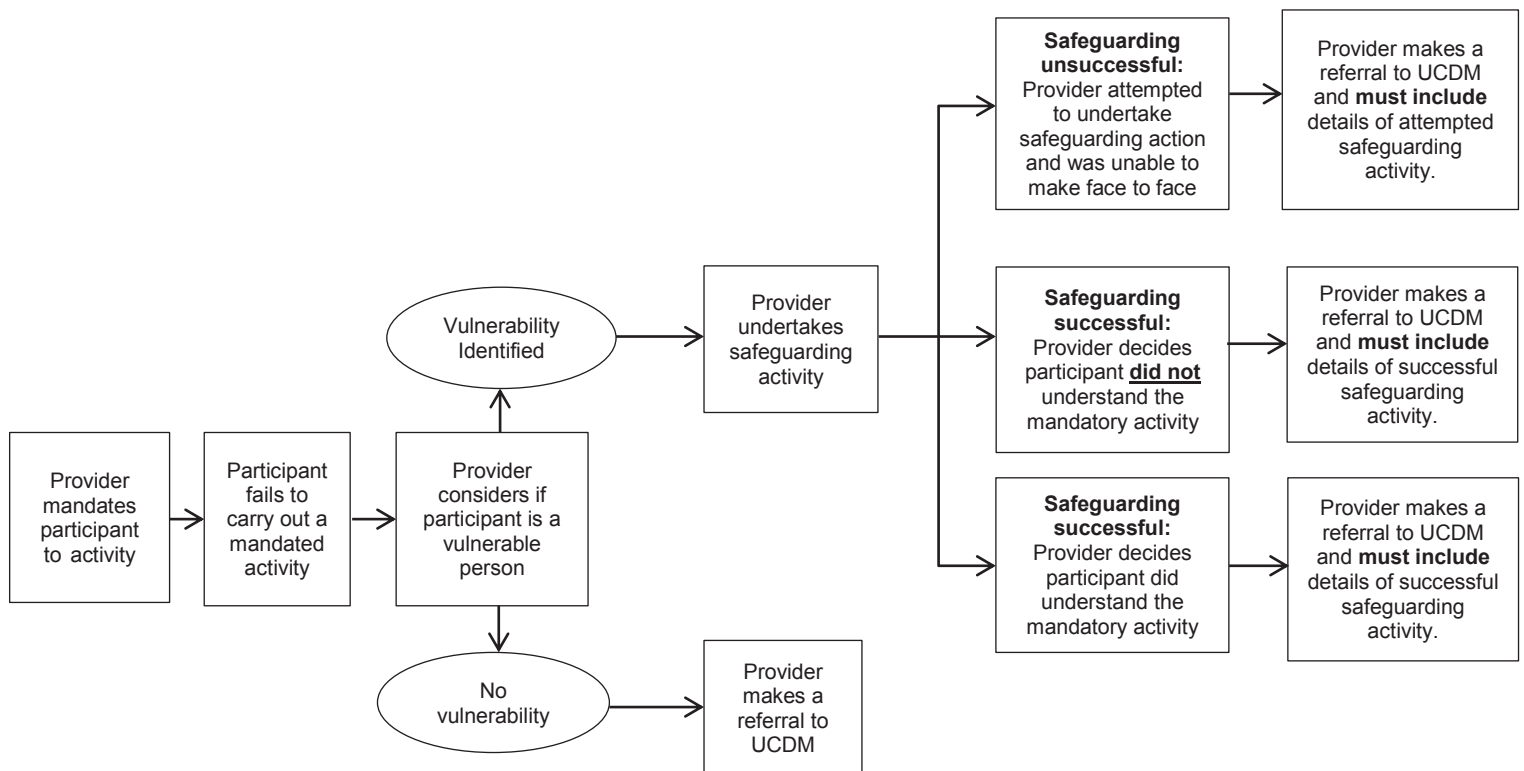
# **Work Programme Universal Credit Claimant Provider Guidance**

## Chapter 4B: Safeguarding and Vulnerability

4.01 This chapter covers:

- Vulnerable participants
- Identifying a vulnerable participant
- Safeguarding activity
- Safeguarding successful – participant understood the requirement
- Safeguarding successful – participant did not understand the requirement
- Safeguarding unsuccessful – no face to face contact
- Representatives and Appointees

### High Level Must Dos



### Background

4.02 For all activities that a participant is required to do whether on a voluntary or mandatory basis, you should always consider if they are reasonable for that participant and their particular circumstances, needs and capabilities.

4.03 When imposing requirements on a participant you must also ensure that the participant understands the activity that you have mandated them to do and the consequences of not complying. Further information can be found in [Chapter 3A – Work Programme Mandation](#).

## **Vulnerable participants**

4.04 The definition of a vulnerable UC participant whilst on the Work Programme is;

**“Vulnerable UC participants are those who have mental health conditions, learning disabilities or conditions affecting communication/cognition”.**

4.05 This definition can be applied to UC participants in Payment Groups 5, 6a, 6b and 7, who are in the Work Preparation regime and have a WCA prognosis.

4.06 Some claimants may have complex needs but will not be considered vulnerable for the purposes of the Work Programme. For all activities that a participant is required to do you should always consider if they are reasonable for that participant and their particular circumstances, needs and capabilities.

4.07 Safeguarding must be undertaken for all UC claimants who meet the Work Programme definition of vulnerable and are in the Payment Groups detailed above.

4.08 Before raising a compliance doubt for vulnerable UC participants you must have ensured by engaging face to face with the participant, that they have understood the requirements of the activity and possible consequences of not carrying out the mandated activity. This is known as ‘safeguarding’.

4.09 The safeguarding policy is intended to protect vulnerable UC participants and ensure no sanction is imposed inappropriately i.e. because the vulnerable participant did not understand what they were being asked to do.

## **Identifying a vulnerable participant**

4.10 The UCPR1 referral, relevant change of circumstances notifications or your own evidence may indicate that the participant meets the WP definition of vulnerable.

4.11 If a JCP Work Coach identifies that a UC claimant needs additional support to help them understand what is expected of them while on the Work Programme or to access services, they will include information on any complex needs on the UCPR1.

4.12 When engaging with a participant you are required to establish their circumstances, which include their vulnerable status, and so the note on the UCPR1 is to alert you that extra support may be required when engaging with them.

4.13 Providers will also be expected to identify these participants, based on the information provided by Jobcentre Plus, as well as from their own interactions.

4.14 To assist in your identification of a vulnerable participant you should use any information provided by Jobcentre Plus, your own records of meetings and communications you have already had with the participant.

- 4.15 Throughout the 104 weeks a claimant is on the Work Programme their circumstances may change. It is advisable to continuously review a participant's vulnerable status as this may change during their time on Work Programme.
- 4.16 If a participant is designated as vulnerable by Jobcentre Plus, you must continue treating them as vulnerable. In these circumstances the vulnerability status will remain unchanged unless you receive further instruction from Jobcentre Plus advising you that the participant is no longer vulnerable.
- 4.17 You will need to ensure that you have appropriate systems in place to identify vulnerable participants and take appropriate safeguarding action prior to imposing requirements on them.

**Please note:** The safeguarding measures you are required to undertake for vulnerable participants are in addition to your legislative requirements regarding vulnerable participants. Further information regarding your legislative requirements can be found in [Chapter 2 of the Generic Provider Guidance](#).

### **Consequence**

If you do not identify a vulnerable participant you will not be taking due consideration of that participant's welfare and therefore will not take the appropriate action.

### **Participant is not a vulnerable participant**

- 4.18 If the participant is not vulnerable then you should make the compliance doubt referral in the usual way. Safeguarding activities are not required. Further information can be found in [Chapter 6 - Raising a Compliance Doubt](#).

### **Participant is a vulnerable participant – carry out Safeguarding Activities**

- 4.19 If the UCPR 1, relevant change of circumstances notifications or your own evidence tells you the participant meets the WP definition of vulnerable you must carry out safeguarding activities before you raise a compliance doubt.
- 4.20 This means, as a minimum, you must have a face to face discussion to confirm the participant has understood the activities that you have mandated them to do and the consequences of not complying. Face to face includes carrying out a Home Visit if necessary.

### **Action**

- Review a participant's vulnerability status prior to submitting a compliance doubt.
- Carry out and document safeguarding activities every time a vulnerable participant has failed to undertake any mandated activity.

## Safeguarding

- 4.21 For all activities that a participant is asked to do whether on a voluntary or mandatory basis, you should always consider if they are reasonable for that participant and their particular circumstances, needs and capabilities.
- 4.22 When talking about safeguarding we are referring to the specific measures that should be taken to make sure that a vulnerable participant understood what was required of them, before making a referral for a compliance doubt.
- 4.23 It is your responsibility to attempt to see vulnerable participants face to face to ensure that they fully understood their responsibilities and possible consequences of not carrying out the mandated activity.
- 4.24 The specific safeguarding measures that you take will vary according to the participant's individual circumstances but they could include:
- Asking the participant to attend an appointment with you.
  - Visiting a participant at a neutral location such as a community hall or public library.
  - Visiting a person at home – the participant may feel more comfortable or secure in their own environment and consequently more receptive to what you are asking of them. A home visit must be attempted if you are unable to have a face to face discussion in any other way.
- 4.25 Any safeguarding activities you undertake and the outcome of these activities must be noted in the information you send to the UCDM as part of your evidence to support the compliance doubt referral.

**Please note:** A compliance doubt referral must not be made for vulnerable participants until after safeguarding measures have been successfully undertaken or attempted and documented.

## Safeguarding Activities are successful – Claimant understood the original requirement.

- 4.26 Once you have had a face to face discussion with the vulnerable participant (after they have failed to participate in an activity you have mandated them to) and you are content that they did understand the requirements and possible consequences of not carrying out the mandated activity, the appropriate safeguarding steps have been taken.

### Action

- You must keep a record detailing the safeguarding activities you have undertaken and the outcome of the activities.
- You must include the specific details and nature of the safeguarding activities undertaken on the referral to the UCDM
- Raise the compliance doubt referral in the usual way. Further information can be found in [Chapter 6 – Raising a Compliance Doubt](#)

**Safeguarding Activities are successful - Claimant did not understand the original requirement.**

4.27 Once you have had a face to face discussion with the vulnerable participant (after they have failed to participate in an activity you have mandated them to) you may decide the participant **did not** understand the requirements of the activity or the possible consequences of not carrying out the mandated activity. In this situation you must keep a record of safeguarding activities, and the outcomes, and subsequently raise the compliance doubt.

**Action**

- You must keep a record detailing the safeguarding activities you have undertaken and the outcome of the activities.
- You must include the specific details and nature of the safeguarding activities undertaken on the referral to the UCDM
- Raise the compliance doubt referral in the usual way. Further information can be found in [Chapter 6 – Raising a Compliance Doubt](#)

**Safeguarding Activities are unsuccessful – No face to face contact.**

4.28 Once you have attempted to undertake safeguarding activities and been unable to carry these activities out, the appropriate safeguarding steps have not been undertaken.

**Action**

- You must keep a record detailing the safeguarding activities you have attempted to undertake and the outcome of the activities
- You must include the specific details and nature of the attempts to undertake safeguarding on the referral to the UCDM
- Raise the compliance doubt referral in the usual way. Further information can be found in [Chapter 6 – Raising a Compliance Doubt](#)

**Representatives**

4.29 A vulnerable participant may have a representative that helps them.

Examples of representatives include:

- a relative or friend
- a welfare organisation
- a social worker
- a Careers Service/Connexions Service

**Please note:** You are free to talk to the representative about the participant if the participant has given you written consent. This can be helpful as it allows you to explain fully what is required of the participant to the representative, who can in turn fully explain this to the participant.

## **Appointees**

- 4.30 If the vulnerable participant has an appointee you are free to speak to them about the participant without any written consent as they have the same legal status as the participant themselves and are legally empowered to act on their behalf.