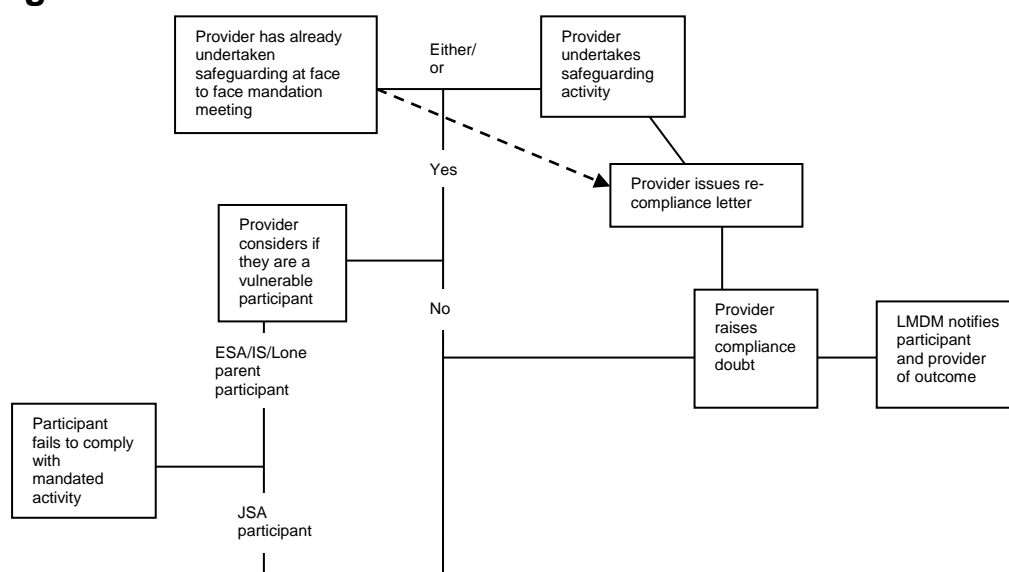


Chapter 6 – Raising a compliance doubt

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High Level Must Dos



Raising a compliance doubt that attracts a Low Level sanction

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. [See Annex 2 - Hints and Tips – How to Complete the WP08 Form](#).
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 Income Support (IS) Lone Parent participant. Further information regarding this can be found in the [Work Programme Guidance Chapter 7 – 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 Labour Market Decision Maker (LMDM) will consider the reasons given and must make the good reason decision.

Please Note: If you decide to raise compliance doubts for ESA participants who are classified as vulnerable because of their health condition, you must make every effort to ensure that safeguarding action is taken on every occasion they fail to participate in a mandated activity

This can be done at a face to face mandation meeting **or** after they fail to participate in a mandated activity. If safeguarding is done at the same time as mandating the participant face to face you do not need to do it again after they have failed to comply to the mandated activity. (Further information regarding safeguarding ESA vulnerable participants can be found in [Work Programme Guidance Chapter 4b – Safeguarding and Vulnerability](#)).

Actions

- Consider if an ESA 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 – Re-compliance and Reviewing a Sanction](#) stating what activity they must undertake to re-comply
- Complete a compliance doubt referral ([WP08](#)) form and include any supporting evidence for example, 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](#) 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 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 participant

6. Further information regarding safeguarding vulnerable ESA participants can be found in [Work Programme Guidance Chapter 4b – Safeguarding and Vulnerability](#). Please read before raising a sanction doubt.

Completing and sending the WP08 (that attracts a Low Level sanction)

Hints and Tips Guide

7. Please see the [WP08 Hints and Tips guide](#) before completing the [WP08](#).
8. This has been developed to help ensure that you enter all of the relevant information before submitting it to the LMDM 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)

9. In addition to the WP08 Hints and Tips guide, there is also a [DMA referrals QAF tool](#) (attracting a Low Level sanction) to help sample check referrals before they are sent to ensure they are at a consistently high standard enabling the LMDMs to make decisions. The QAF is in the form of an interactive checklist, to support overarching standards for all DMA referrals.

10. 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](#). There are ESA exceptions to this rule. Please see [Work Programme Guidance Chapter 4b – Safeguarding and Vulnerability](#).
11. 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.
12. 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 failure to participate in a mandatory activity and the sanction that can be applied.

Actions

- To complete form [WP08](#) to send clerically:
 - ensure all relevant information from the MAN is included (especially supporting information, for example volunteered participant statement, re-compliance activity (ESA/IS Lone Parent participants only), 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 LMDM Administration Team in your linked Benefit Delivery Centre (BDC) ([Annex 1](#)). 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](#)
 - to complete form [WP08](#) and send by unencrypted email to your linked Benefit Delivery Centre (BDC) ([Annex 1](#)) – refer to background and further information – [Completing and sending the WP08 - by unencrypted email](#)
 - further information regarding safeguarding vulnerable ESA vulnerable participants can be found in [Work Programme Guidance Chapter 4b – Safeguarding and Vulnerability](#).

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 LMDM 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 LMDM having to go back to you for clarification, further **delaying** a sanction decision and causing more work for yourself and LMDM.

Background

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

Making the Refusal of Employment DMA referral that attracts a High Level sanction

14. When you mandate a participant and it has been determined that a participant has refused/ failed to apply for or take up employment, you must undertake the actions below before completing RE referral form ([PRE01](#)).

15. One [PRE01](#) must be completed per participant for each instance.

16. You need not ask the participant why they have refused/ failed to apply for or take up employment. The DWP LMDM team will request information regarding the participant's reasons for failure/ refusal, consider the reasons given and decide whether the participant has shown good reason for their refusal/ failure to apply for or take up employment.

Action:

- Before you complete a [PRE01](#):
 - ensure the suitability of the vacancy (you will have undertaken this action as part of your original considerations prior to mandation - but should ensure nothing has changed)
 - ensure the vacancy is not exempt from RE action, such as a Work Trial or a self employed vacancy
 - ensure the vacancy is in line with any agreed availability or employment restrictions on the participant's availability (as notified by Jobcentre Plus).

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 LMDM 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 PRE01.

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

Background

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

Completing and sending the PRE01 (that attracts a High Level sanction)

18. For every instance where a participant refused/ failed to apply for or take up employment, you are required to raise a separate Refusal of Employment referral form [PRE01](#).
19. You should not wait to be notified of previous decisions before raising another referral. There is no limitation on the number you can send per participant.
20. It is important that the [PRE01](#) is completed and sent as soon as possible, to ensure that there is a clear link in the participant's mind between refusing/ failing to apply for or take up employment and the sanction that can be applied.

Action:

- To complete the [PRE01](#) by email:
 - you must use the [PRE01 template in Chapter 18](#)
 - complete the [PRE01](#) as per guidance in Annex 3
 - ensure all relevant information from the Mandatory Employment Notification (MEN) is included
 - a copy of the MEN or additional documents are not required
 - the correct address for the return of the sanction decision is included
 - to complete form [PRE01](#) (Email) and send by unencrypted email to your linked Benefit Delivery Centre (BDC) ([Annex 1](#)) - refer to [Background and Further Information Section](#).
 - **only one PRE01 form is included per e-mail. You must not include more than one PRE01 referral in an email as this will constitute a security incident.**
- To complete form [PRE01](#) to send clerically:
 - you must use the [PRE01 template in Chapter 18](#)
 - complete the [PRE01](#) as per guidance in Annex 3
 - ensure all relevant information from the MEN is included
 - a copy of the MEN or additional documents are not required
 - ensure the correct address for the return of the sanction decision is included
 - Print out the [PRE01](#) and send securely to the LMDM Administration Team in your linked Benefit Delivery Centre (BDC) ([Annex 1](#)). For

further information regarding sending documents securely please refer to [Generic Provider Guidance Chapter 8 - Information Security](#).

LMDM notifies provider and participant of the sanction outcome

21. You will receive a copy of the outcome of the compliance doubt or refusal of employment 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.
22. If the participant has stopped claiming benefit, before or during the decision making process, you will receive a copy of the sanction decision detailing the change of circumstances 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](#) or [PRE01](#) referrals.
- **ESA participants only:** when you receive the decision outcome, if there is a change in vulnerability, the outcome notification will indicate the change via the email header - “Change identified – action required”. Take action to update the ESA participant’s records accordingly. See [Work Programme Provider Guidance Chapter 5 – Change of Circumstances](#) for further information.

Background

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

Detailed Background and Further information

Raising a compliance doubt that attracts a Low Level sanction

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

24. When a participant 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.

25. For ESA the Work Programme 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
26. 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)

27. 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.
28. Participation can be given a very broad meaning as the participant is informed when selected to participate in the Work Programme 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.
29. 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

30. 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 LMDM will take account of all of the facts of the compliance doubt before coming to a decision.
31. Once a compliance doubt has been raised, the participant will be asked by the LMDM 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.

32. The LMDM will take into account all of the circumstances and evidence presented and will determine whether or not there was good reason for FTP.
33. The LMDM 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.
34. It is therefore important that you also provide any information in the compliance doubt that may provide additional background.

Good reason decision

35. There is no time constraint for a participant to show good reason. The LMDM 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.
36. For example, a participant was issued with a request for good reason today. The LMDM is aware that the participant lives in a remote area where postal delays are well known and therefore the LMDM sets a reasonable 10 day time limit in respect of these circumstances. The participant still hasn't replied by the 10th day so the LMDM makes a decision to disallow on the basis that the participant has had a reasonable length of time to reply.
37. However, information which is received late by LMDM, but merely serves to verify or clarify evidence which was received, can be taken into account.
38. 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 LMDM Administration Team in the BDC. 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

39. 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.

40. 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.
41. 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

42. Sanction action can only be taken by the LMDM 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 Provider Guidance Chapter 3a – Mandation](#).
43. 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

44. 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.
45. 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

46. Sanction action can be taken by the LMDM 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 Provider Guidance Chapter 3a – Mandation](#).

47. 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

48. 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.
49. 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](#).
50. If you consider that the participant has committed gross misconduct you will need to [complete the WP08 form](#). 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)

51. 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](#).
52. 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 form](#).

Safeguarding vulnerable ESA participants

53. Comprehensive information regarding safeguarding ESA vulnerable participants can be found in [Work Programme Guidance Chapter 4b – Safeguarding and Vulnerability](#).

Re-arranging a mandated activity prior to activity date

54. 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 Provider Guidance Chapter 3a – Mandation](#).

Completing and Sending the WP08 - Clerically

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

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 –Re-compliance and Reviewing a Sanction](#).

56. The LMDM will make decisions in the date order the doubts are received.

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

57. The WP08 needs to be sent to the LMDM Administration Team in your linked BDC ([Annex 1](#)).

58. 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 LMDM receipt and will impact on LMDM resource
- include the name and contact phone number of the advisor who completes the [WP08](#), to allow the LMDM Administration 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 BDC (as detailed in [Annex 1](#)).

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

60. 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 LMDM 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 Work Programme 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 LMDM considers whether this is good reason for them not participating. The LMDM need not consider the notification issue. It can be assumed he was correctly notified.

Completing and Sending the WP08 or PRE01– by unencrypted email

Please Note: See [Annex 2](#) for details of how to complete the [WP08](#) form or Annex 3 for details of how to complete the [PRE01](#) form.

61. DWP Operational Security have agreed an exemption to the DWP standard security requirements to allow you and your sub-contractors to send the [WP08](#) or [PRE01](#) to the LMDM Administration Team in your linked BDC ([Annex 1](#)) and receive decision notifications back from them, via unencrypted email.
62. 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.
63. Only those sub-contractors who have been formally approved as sub-contractors by DWP may use unencrypted email to send [WP08](#) or [PRE01](#) referrals.
64. Before you or your sub-contractors begin to send [WP08](#) or [PRE01](#) 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](#) or [PRE01](#) referrals via unencrypted email with both your DWP performance manager and linked BDC SPoC.
65. 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](#) or [PRE01](#) referrals via unencrypted email with both your DWP performance manager and linked BDC SPoC.

66. 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.
67. When completing the [WP08](#) or [PRE01](#), ensure all relevant information from the Mandatory Activity Notification (MAN) or Mandatory Employment Notification (MEN) is included on the [WP08](#) or [PRE01](#) form (especially supporting information, for example volunteered participant statement, background information - as appropriate).
68. (WP08 only) If the participant is a vulnerable ESA 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 the participant using the notification in [Annex 1 of Work Programme Guidance Chapter 7 –Re-compliance and Reviewing a Sanction](#).

69. A copy of the MAN or MEN or other documents is not required. No documents may be attached to the [WP08](#) or [PRE01](#) form, all relevant information must be noted on the form itself.
70. Please be aware that it is a key security requirement that only one [WP08](#) or [PRE01](#) must be included per email. You cannot, for example, include several [WP08](#) or [PRE01](#) for the same participant in one unencrypted email.
71. Ensure that the correct email address for the return of the sanction decision is included in the [WP08](#) or [PRE01](#) form.

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

72. The Provider Correspondence address should be the postal address to which any queries or further correspondence should be sent by Decision Makers.

73. Email the completed [WP08](#) or [PRE01](#) form to your linked Benefit Delivery Centre email address.(see [Background and Further Information Section](#), Completing and Sending the WP08 or PRE01)

Clerical contingency

74. 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.
75. In these circumstances you must ensure that your linked BDC SPoC is kept informed of the situation and how long you anticipate it lasting.
76. 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.
77. 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.
78. 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 or PRE01 form to the BDC

79. The [WP08](#) or [PRE01](#) must be emailed to your linked BDC designated LMDM Administration Team email address.
80. Each email must never contain more than one [WP08](#) form per email.
81. Each email must contain ONLY the following standard content:
82. Standard wording to be displayed in email 'Subject Box':
- WP08 or PRE01
 - Participant's surname
 - NINO – only last 3 characters

83. Standard wording to be displayed in email 'Narrative Box' - Sender contact details

84. Email attachment - Completed WP08 or PRE01 form

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

Special Customer Records

85. 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,

86. Your Nominated Officer should complete the form, ensure that 'SCR participant' is marked clearly and securely send to the Nominated Officer in the relevant LMDM Administration Team

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

87. 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 LMDM

88. There may be occasions where the LMDM 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 LMDM 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.

LMDM notifies provider and participant of the outcome

89. 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.

90. 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 – Re-compliance and reviewing a sanction](#).
91. 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 or PRE01 returned with no decision

92. A compliance doubt ([WP08](#)) or refusal of employment ([PRE01](#)) may be returned when the LMDM '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 did not undertake the WP activity (A decision notification detailing the change of circumstances will be sent to you as appropriate)
 - while undertaking the decision making process an LMDM may obtain information that will mean that the ESA participant's status has changed and that they will now be classed as vulnerable. Once this is apparent, the LMDM will notify you of this change in status via their sanction decision. On this occasion where a provider was unaware of the ESA participant's vulnerability status, the LMDM will continue to progress the referral as normal and not cancel it
 - the LMDM will ensure a grace period of four weeks is applied starting from the date that the decision notification is issued. Any referrals received during the four week grace period will not be cancelled
 - if a further sanction referral is made for this participant after the four week grace period, and is annotated as not vulnerable, it will be cancelled. It is therefore essential that if the LMDM notifies that a participant is now vulnerable then their records must be updated to ensure that all future referrals are correctly made
 - the referral was for an IS Lone Parent and was made during the two week easement period (**see [Work Programme Provider Guidance – Chapter 3 a, Para 21](#)**)
 - 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](#) or ([PRE01](#)) form will not be emailed back to you. The LMDM will email a decision notification informing you of the cancellation.

Jobseekers Allowance Hardship Provision

93. 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).
94. 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.
95. 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)

96. 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 applicable to the participants' personal allowance their Work Related Activity Component will remain in payment.
97. If an ESA participant receives a sanction they will be eligible to apply for hardship provision from day one 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 participant 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.
98. 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. A form is available from Jobcentre Plus offices which 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.

Making the Refusal of Employment DMA referral that attracts a High Level sanction

106. As part of your contract you, your employees and subcontractors have been designated as Employment Officers which enables you to mandate participants to apply for and take up employment opportunities and refer participants for high level sanctions (13, 26 and 156 week sanctions) should they fail to apply or take up that employment opportunity.
107. Your employees are designated as Employment Officers (Emp O's) for the purposes of section 19(2)(c) of the Jobseekers Act 1995. This means that a failure can be a sanctionable failure at the higher level where a participant without a good reason fails to apply for or accept if offered a situation in any employment which an Emp O has informed him is vacant or about to become vacant. An Emp O therefore means:
- any person who is employed by you as a Prime Contractor (including for example contractors and temps) and who is employed to perform your obligations under your contract
 - any person who is an employee of an Approved Sub-contractor (including for example contractors and temps) and who is employed by

the Approved Sub-contractor to perform your (as the Prime Contractor's) obligations under your contract.

108. These powers mean you can mandate participants to appropriate, suitable employment opportunities. This may include:

- Making an application for an advertised vacancy (this may include sending a letter/e-mail with an attached CV)
- Contacting an employer in relation to an advertised vacancy
- Attending an interview

109. Where you have mandated a participant to apply for or take up suitable employment and where a participant subsequently: refuses to apply for a job; fails to apply for a job; fails to attend an interview for that job; refuses to accept a job which was offered, or fails to be offered a job due to their inappropriate behaviour, you will make a RE DMA referral direct to a LMDM.

Please Note: Having Emp O status does not give you the power to decide whether a sanction applies and/or whether a participant can show good reason for any failure. That decision is made by a decision maker of the DWP and this should be made clear to the participant at all times.

110. If a DWP decision maker decides a sanction is appropriate the participant's benefit will be stopped (or will be reduced, depending on their circumstances) for:

- 13 weeks
- 26 weeks if DWP have previously decided on one occasion, that the participant's benefit should be sanctioned because they committed any of the failures listed below, within 52 weeks (but not within two weeks) of their current failure
- 156 weeks (three years) if DWP have previously decided on two or more occasions, that the participant's benefit should be sanctioned because they committed any of the failures listed below, within 52 weeks (but not within two weeks) of their current failure.

Please note: see [Annex 6 in chapter 3a Mandation JSA Escalation of Sanctions Scenarios](#) for worked examples of how sanction duration escalates very quickly.

111. The failures referred to above are, if, without good reason, the participant:

- through misconduct, lost employment as an employed earner
- voluntarily left such employment

- refused or failed to apply for, or accept when offered, any employment notified to them by an employment officer
- neglected to avail themselves of a reasonable opportunity of employment
- failed to participate in the Mandatory Work Activity scheme if they had been required to do so.

Information volunteered after the RE DMA referral is made

112.If you receive volunteered information from the participant relating to their refusal or failure to apply for a vacancy after the [PRE01](#) has been sent (for example they state they have subsequently applied) you must communicate this to your designated linked LMDM Administration Team. There is no specific form/template for this process.

Please Note: Any additional information must be communicated to the LMDM by letter or telephone, as agreed locally.

Annex 1 – Work Programme - Mapping of providers to decision making sites

Work Programme Prime Provider	Which Contract Package Area (CPA)	Decision Making site
A4e (Peopleplus)	2	Birkenhead
	4	Birkenhead
	6	Birkenhead
	9	Birkenhead
	17	Birkenhead
Ingeus	1	Sunderland
	2	Sunderland
	3	Sunderland
	5	Sunderland
	6	Sunderland
	8	Sunderland
	16	Sunderland
Seetec	1	Annesley
	4	Annesley
	7	Annesley
Working Links	8	Merthyr
	11	Merthyr
	13	Merthyr
Avanta (Peopleplus)	5	Annesley

Chapter 6

Work Programme Provider Guidance

	7	Annesley
	10	Annesley
Serco	15	Merthyr
	17	Merthyr
ESG	15	Annesley
Rehab	12	Merthyr
	13	Merthyr
Interserve	16	Merthyr
Newcastle College	14	Birkenhead
	18	Birkenhead
G4S	7	Annesley
	10	Annesley
	18	Annesley
Prospects	11	Sunderland
Learndirect	12	Merthyr
Avanta (Peopleplus)	14	Annesley
APM	14	Annesley
Maximus	3	Sunderland
	9	Sunderland
	18	Sunderland
REED	3	Merthyr
Shaw-Trust	4	Sunderland

Annex 2 - Hints and Tips – How to complete the WP08 form

Part One – Participant details	
Date the participant failed to undertake the Mandatory Activity	Enter the date the participant failed to carry out the Mandatory Activity. Note this will self-populate the date field in Part Two
	Before making a referral it is good practice to check your attendance register to confirm that they did fail to attend
Did you contact the Provider Direct Service before making this referral? Y/N	If No consider contacting Provider Direct. If the MAN went to an incorrect address you will not need to make a WP08 referral. If you do make the referral it may be cancelled
Name	Please enter full name of the participant
Participant National Insurance number	Please enter the participant's National Insurance Number. Ensure that this is recorded thoroughly and accurately. If details are incomplete or incorrect the referral will be cancelled
Date of birth	Record the participant's date of birth here
Telephone number	Enter the participant's phone number if known
Part Two – Mandatory Activity Notification details	
Address the Mandatory Activity Notice (MAN) was sent to (including postcode)	Always make sure that you record the actual address that the MAN was sent to, rather than the "current" address as this could differ to the one you currently hold

Date MAN issued to participant	Ensure that you accurately record the date the MAN was sent out. There must be two clear working days between notification and date of appointment
	Any notification posted on a Thursday for a Mandatory Activity the following Monday would not be deemed to be two working days
Method of issue	This will either be by hand or by post. If you are using post always ensure that you allow enough time. Any notification posted on a Thursday for a Mandatory Activity the following Monday would not be deemed to be two working days
	A MAN must always be issued in writing. You cannot currently use electronic means such as text or email (however this is being considered for the future)
Date of the Mandatory Activity	This date is prepopulated from the top of the form
	Use appropriate rate of postage to ensure the participant receives MAN timeously
	Any notification posted on a Thursday for a mandatory activity the following Monday would not be deemed to be two working days
Time of the Mandatory Activity	The timing for the mandatory activity can be vital. For example, the participant informs you that their car broke down at 10.30am on the way to a jobs fair. If the mandated appointment was at 9.30am then this would not be a good reason and a WP08 should be raised
Give full details of the Mandatory Activity	You must state exactly what the participant was mandated to do and the evidence they were required to supply. For example, the participant was mandated to attend an appointment at your premises on a specific

	date
Part Three – Benefit details on the date the participant failed to participate	
Jobseeker's Allowance participants	
Was the activity the participant was asked to do within any restrictions notified to you by Jobcentre Plus	This answer should always be "Yes." If you answer "No" the referral will be cancelled
	This box must be completed for JSA participants. Failure to answer the question will result in a cancellation
Was the activity the participant was asked to do reasonable taking into account their circumstances?	This answer should always be "Yes". If you answer "No" the referral will be cancelled
	This box must be completed for JSA participants. Failure to answer the question will result in a cancellation
ESA participants	
Is their participation on the Work Programme mandatory?	This answer should always be "Yes." If you answer "No" the referral will be cancelled
Was the activity the participant asked to do reasonable taking into account their circumstances?	This answer should always be "Yes." If you answer "No" the referral will be cancelled
Has the participant's vulnerable group status been checked?	This answer should always be "Yes." If you answer "No" the referral will be cancelled
Is the participant in a vulnerable group?	You must always confirm whether or not an ESA participant is vulnerable. If the answer is "Yes" you must have undertaken safeguarding action, either at the point of mandation if the MAN was issued face to face or following the failure to carry out the mandated activity
If yes, was safeguarding	If you select "Yes" you are assuring DWP that the participant has understood the

action taken?	<p>mandatory requirement that they were required to undertake and the consequences of failing to comply. No further action is needed, that is you are not required to detail the successful action.</p> <p>If the participant did not understand the mandatory requirement of the activity you must not raise a WP08</p>
If you have tried but failed to see the participant face to face, please explain in detail what actions (for example, timeline, dates, name of advocate etc.) you have taken	<p>If your attempts to make face to face contact (safeguarding) are not successful, you must still raise a WP08 but include a detailed explanation of the attempts you have made to contact the participant (including the dates, how contacted, frequency, name of advocate contacted if applicable etc).</p> <p>Detail will vary from participant to participant depending on the circumstances.</p> <p>LMDMs will use this information for the making a good cause decision – not as compliance monitoring of your safeguarding activity</p>
<p>Part Four – Re-compliance Mandatory Activity Notification details</p> <p>Employment and Support Allowance participants and Income Support-only Lone Parent participants</p>	
Details of what you have notified the participant that they must do to comply in order for their benefit to be fully reinstated	
Date re-compliance MAN issued to participant	Ensure that you accurately record the date the MAN was sent out. There must be two clear working days between notification and date of appointment
Method of Issue	This will either be by hand or by post. If you are using post always ensure that you allow enough time
Date of the Mandatory Activity	Ensure that you accurately record the date the participant was mandated to carry out the

	re-arranged activity
Time of the Mandatory Activity	Ensure that you state the time of the mandatory appointment as this can be crucial when deciding if the actions taken by a participant were reasonable
Give full details of the Mandatory Activity	Enter full details of what the participant was required to do in order to be deemed to have complied. For example, the participant was mandated to attend a jobs fair on a particular date and to bring in evidence of their attendance. In this example, to obtain three application forms
Part Five – Rearrangement details (if applicable)	
Did the participant try to rearrange the appointment prior to the date/time of the appointment?	Confirm whether or not you agreed to rearrange the mandatory appointment
If yes, did you agree to rearrange?	Confirm whether or not the participant tried to rearrange the appointment
If yes, give full details of the MAN sent out with the new arrangements	It may not be possible to set the same activity to re-comply as the original (for example, for a jobs fair). You can set any reasonable recompliance activity you deem appropriate
If no, explain why you did not allow the participant to rearrange	If you decide not to agree to re-arrange a mandatory appointment despite the participant contacting you prior to the appointment/activity you must state this on the form including your reasons, for example due to them being a repeat offender
Part Six – Non-participation details	
Statement from adviser/tutor	
Complete the fields below to give a factual account of exactly how the participant failed to participate	
How did they fail to participate	Often the exact reason for the appointment or

– give full details?	the full address of the location is missing. Always include the reason for attendance and full postal details including postcode
	You must state what the participant failed to do, for example failed to attend, no contact, no evidence provided
<p align="center">Part Seven – Information or evidence relating to non-compliance with the mandated activity provided by the participant</p> <p>This section is only to be used to record any comments the participant has volunteered. Please enter "not applicable" if this does not apply.</p>	
Information or evidence relating to non-compliance with the mandated activity provided by the participant	It is important that you do record any information that the participant volunteers as this could affect the outcome of the referral
	You do not have the authority to ask for a reason. You can only note information that is volunteered
<p align="center">Part Eight – Any other information</p>	
Provide any other relevant information	Note: You must only record one failure to participate on the form. Multiple failures to participate on the same form will result in the referral being cancelled
	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 non-compliance that is relevant, for example where you've not mandated to specific activity on several occasions prior to the actual mandation
	Insufficient Information – if the referral is truly deficient the referral will be cancelled

Part 9 – Provider details and declaration	
I confirm that the above is a full and accurate statement	Please tick the check box to confirm the details you have entered are a full and accurate statement
Name of adviser/tutor	Please enter the name of the adviser who completed the WP08 form to help the LMDM know who to contact if necessary
Date	Enter the date of completion for the WP08
Email address to which decision should be sent	Record your designated email address for the LMDM to notify decision outcomes to (this should not your personal email address)
Correspondence address to which queries/decision should be sent if email not appropriate	Enter your full correspondence address here. This should be the address you want the outcome decision to be sent to
Telephone number	The LMDM will ring providers for clarification of the information if necessary. Give the direct number of someone who can help (this must not a contact centre number)
	If the LMDM cannot clarify the information, the referral will be cancelled
Name and address of provider (including postcode)	Give the full name and address of the Provider. This may differ from the correspondence address if, for example, the provider uses a central decision making team
Prime	State the name of the Prime Provider. This allows the LMDM to accurately record the outcome for statistical purposes and, if necessary, act as a contact point should the LMDM be unable to contact the subcontractor directly
Subcontractor (include name of Prime if a subcontractor)	State your organisation name here

Annex 3 - How to complete the PRE01

Part 1: Participant details

Please enter the participant's full name, National Insurance number, telephone number and address in the fields provided.

Please Note: The address field must detail the address to where any posted mandation notifications have been sent.

You must also clearly detail which Employment Programme you are delivering, for which the participant is required to participate.

Part 2: Employment offer refused or failed to apply for

You must ensure you give details of the employment opportunity for which the participant is required to apply for as detailed on the MEN1 you issued to the participant. Please detail:

Job title: the position for which the participant was mandated to apply for.

Employer name: The name of the employer or organisation to which the vacancy relates.

Job reference: where available, detail any vacancy reference codes/mnemonics.

Please Note: If the employment opportunity is a Universal Jobmatch (UJ) vacancy please ensure you record the UJ Job ID number.

Employer address: the address for the employer or organisation.

Please Note: In the absence of an employer address (and where available in its absence) you should detail the address which any interview or application was to be made. This may include website or email addresses where applicable to the vacancy.

Employer contact: where available, a named contact in relation to the vacancy.

Contact phone: where available, the telephone contact number for the vacancy.

Daily pattern of hours per week: where available, the notified pattern of employment, for example:

Mon	8-5	Tue	8-5	Wed	8-5	Thurs	N/A
Fri	8-5	Sat	8-5	Sun	N/A		

Basic wage: where available, the notified basic wage.

Bonus and overtime: where available, you must also detail any information in relation to bonuses or overtime.

Was the job temporary: please detail where it is apparent if the vacancy is temporary. Enter the dates for which the contract will run for.

What was the vacancy closing date: where available, please enter the vacancy closing date.

Part 2: Employment offer refused or failed to apply for

What action was the participant required to carry out: please select one of the two options. This must be what the participant was required to do as detailed on the MEN. Where you have mandated the participant to apply for a vacancy you must detail in the box provided how the participant was required to apply (for example submit their CV, complete an online application, contact the employer directly, or detail any other method as stated in the vacancy advert). You must also state by what date you required the participant to apply.

On what date did you notify the participant of the vacancy: this must be the date you issued the MEN to the participant

Please Note: If the MEN was issued by post this must be the date you posted the notification.

MEN issued by: Please select the method you issued the MEN to the participant (by hand or post).

Part 3: What did the participant fail to do?

Did the participant (please select one of the below): please select one of the six options.

On what date did the above failure or refusal occur: please detail the date the participant failed to undertake what they were required, for example the date of the interview they failed to undertake, or the closing date of a vacancy for which they were required to apply.

Was industrial action taking place: please select and detail dates where applicable.

Part 4: Further Information.

Was a PRE02 issued to the participant:

Please note: Select **No** in all circumstances. The PRE02 is not relevant for this employment programme.

Please provide any further relevant information that may assist the decision maker in making the decision: in this section, you are asked to provide any additional information that may assist the LMDM in making their decision. In addition (where appropriate) you must include:

- any information volunteered by the participant as to why they failed to undertake, apply or take up employment
- where a participant states the 'type' of work they were mandated to undertake does not match their desired employment sector and/or occupation type you should provide details as to why you deemed the job suitable and document any recorded information in relation to the 'type' of work the participant is seeking that supports this
- where a mandated vacancy is via UJ you must note that the vacancy is a UJ Vacancy and if you have issued a cookies factsheet.

Part 5: Provider Details and Declaration

Please enter the contact details of the person/provider completing the form and by so doing, you are confirming that the form has been completed fully and accurately.