

Work Programme Universal Credit Claimant Provider Guidance

Please Note: Referrals to this programme ended on 31 March 2017. This guidance is for existing Work Programme participants only

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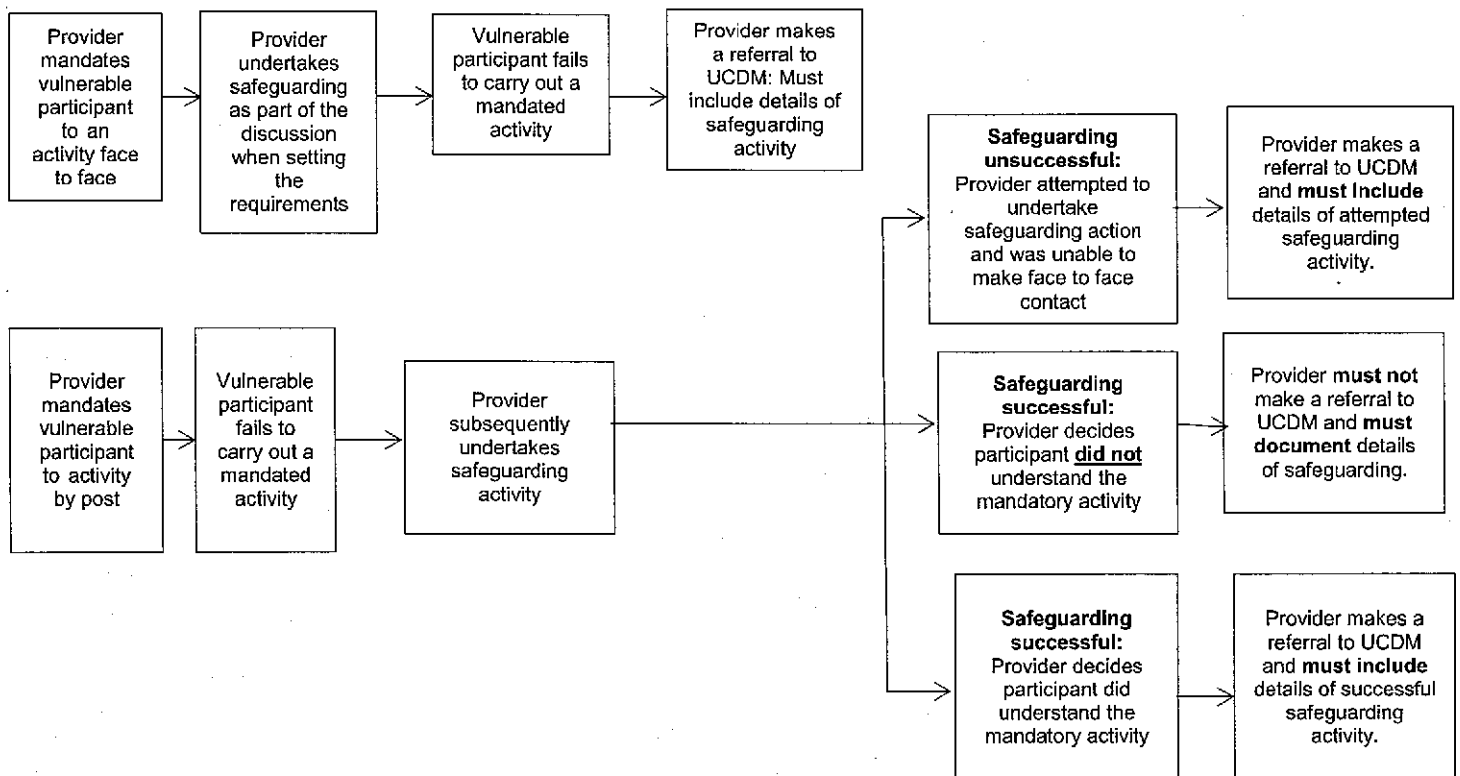
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Chapter 4B: Safeguarding and Vulnerability

4.01 This chapter covers:

- High level Must Dos
- Vulnerable participants
- Identifying a vulnerable participant
- MAN issued face to face
- MAN issued by post
- 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 Do's



- 4.03 When setting 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 Work Programme definition of a vulnerable participant is;

“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 When making the initial referral to the Work Programme the JCP Work Coach will use the UCPR1 to notify the provider of claimants who meet the Work Programme definition of vulnerable.
- 4.11 The UCPR1 referral, any subsequent change of circumstances notifications or your own evidence may indicate that the participant meets the Work Programme definition of vulnerable.
- 4.12 During the claimants time on the Work Programme you are required to establish their circumstances, which includes their vulnerability status. Providers will be expected to identify these participants, based on the information provided by Jobcentre Plus, as well as from their own interactions.

- 4.13 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.
- 4.14 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.
- 4.15 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.
- 4.16 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.

Participant is not vulnerable

- 4.17 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 vulnerable – carry out Safeguarding Activities

- 4.18 If the UCPR 1, relevant change of circumstances notifications or your own evidence tells you the participant meets the Work Programme definition of vulnerable you must successfully carry out safeguarding activities, or attempt to complete safeguarding activities, before you raise a compliance doubt.
- 4.19 When mandating a vulnerable participant to an activity you must ensure that they understand the mandated requirement and the potential consequences if they fail to meet this requirement. You must also explain exactly what action they must take in order to stop the open ended part of a sanction.

MAN issued face to face

- 4.20 If you are issuing a MAN at a face to face meeting you will be able to discuss the requirement at that point and assure yourselves that the vulnerable participant has understood the requirement and consequences of failing to comply with mandated activity.

- 4.21 Where this has been done face to face you have therefore carried out safeguarding at the point of mandation and are not required to repeat the activity.
- 4.22 Where the participant does not understand the requirement and consequences of failing to comply, the requirement should not be set.

MAN issued by post

- 4.23 If you choose to send the MAN to the participant by post you will not be able to discuss the requirement face to face. Therefore if the participant fails to undertake the mandated activity you will have to ensure they understood the original requirement by undertaking safeguarding activity prior to submitting a compliance doubt. This means, as a minimum, you must have, or attempt to 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 non-compliance. Face to face includes carrying out a home visit if necessary.
- 4.24 You must document the actions you have taken in respect of safeguarding. You should confirm that the participant understood the mandated activity and the consequence of non-compliance.
- 4.25 If the participant did not understand the requirement or the consequence of non-compliance the requirement should be withdrawn.
- 4.26 Safeguarding activities must always be completed and documented, or attempted and documented, before raising a compliance doubt on each occasion that a mandatory requirement is notified to a participant.

Action

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

Safeguarding

- 4.27 Safeguarding refers to the specific measures that should be taken to ensure that a vulnerable participant understood what was required of them, before making a compliance doubt referral.
- 4.28 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.
- 4.29 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.

4.30 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 – Participant understood the original requirement.

The appropriate safeguarding actions have been completed successfully:

- When the mandatory activity is notified to the participant at a face to face discussion, the MAN is issued as part of that discussion only if the vulnerable participant understands the requirement and possible consequences of non-compliance.
- Following the issue of a MAN by post; once you have had a face to face discussion with the vulnerable participant, (after they have failed to participate in a mandatory activity) and you are content that they understood the requirements and possible consequences of non-compliance.

4.31 You must document the actions you have taken in respect of safeguarding and ensure the participant understands the mandatory requirement and the consequence of non-compliance. Once the participant understands the mandatory requirement and the potential consequence of non-compliance safeguarding has been completed successfully.

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 – Participant did not understand the original requirement.

4.32 If you are undertaking safeguarding activities at the point the mandatory activity is notified to the participant in a face to face discussion you must always ensure

the participant understands the mandatory activity and the consequence of non-compliance. If the participant does not understand either of these, the requirement cannot be set as a mandatory activity and may not be reasonable for their circumstances and capability.

4.33 Following the issue of a mandatory requirement by post, and once you have had a face to face discussion with the vulnerable participant, (after they have failed to participate in a mandatory activity) you may decide the participant **did not** understand the requirements of the activity or the possible consequences of non-compliance.

4.34 In this situation you must document the safeguarding activities undertaken and be able to explain how you reached your decision. Do not raise the compliance doubt referral but continue to engage with the participant paying due consideration to their personal circumstances and vulnerability status.

4.35 You must also ensure that the participant understands that the specific notified activity is no longer a mandatory requirement.

Action

- You must keep a record detailing the safeguarding activities you have undertaken and the outcome of the activities.
- The record must include the reason why the original mandatory activity is no longer required.
- You must not raise the compliance doubt referral.
- Ensure the participant understands that the specific notified activity is no longer a mandatory requirement
- Continue appropriate engagement with the participant considering their personal circumstances and vulnerability status.

Safeguarding Activities are unsuccessful – No face to face contact.

4.36 Following the issue of a mandatory requirement by post if you have attempted but been unable to have a face to face discussion with the participant to check their understanding of the requirement and the consequence of non-compliance, 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

4.37 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

- 4.38 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.