

# Health and Work Conversation

## Introduction

1. The health and work conversation (HWC) is an opportunity to engage with claimants early in their journey before their work capability assessment ( WCA). The HWC is a mandatory work focused interview.
2. The HWC is an opportunity to have:
  - an open conversation with the claimant,
  - get to know them and
  - build a rapport, confidence and motivation
3. During the conversation you will work with the claimant to:
  - identify realistic goals and
  - agree voluntary actions a claimant can take to move them closer to moving into work.
4. How the conversation flows is claimant led and gives them the opportunity to discuss their circumstances and needs and to offer their own solutions to any identified issues.
5. The HWC looks at the claimants needs holistically. Discuss the claimant's background and the things that really matter to them. The discussion does not have to focus on health requirements. How much, and if, health conditions are discussed is up to the claimant. The emphasis is on what the claimant can do and help them prepare for work if they are able to in the future.
6. For some claimants it may be better for them to meet in a place other than the jobcentre. If so are local arrangements in place with a full risk assessment and keeping safe requirements completed. The decision needs to be made on a case by case basis where there was an identified need or defined advantage to the claimant to engage in this manner.
7. The HWC takes place around the 4<sup>th</sup> week of a claim. Some claimants who are not exempt may be deferred because they are not yet in a position to take part in their HWC. However, there will be no need to have a HWC, if the WCA is due to take place within the next 3 weeks.
8. We have some claimants who fully expect to return to work once they are able to. Taking into account their likelihood to return to that work you may feel that it is not the right time for them to have a HWC. If as a result you decide to defer their HWC it is suggested you defer until the end date of their current fit note or, whilst booking a HWC the claimant mentions that they have got a job which they are shortly starting. If so defer to the start date and check that the claimant has started the job. We expect that most people who are not exempt will have their HWC at the usual time.
9. The claimant's attendance and participation in the HWC is mandatory and they may be sanctioned if they fail to do so without good cause. Certain easements apply to this group where there is no good cause but the claimant is prepared to rebook the HWC.
10. However, any actions agreed at the HWC are voluntary. Claimants cannot be sanctioned if they do not undertake any agreed actions. As these claimants are potentially vulnerable the safe guarding process must be considered prior to a referral to a labour market decision maker (LMDM).

## The health and work conversation

11. During the HWC the work coach introduces tools such as "About Me" and my 4 steps contained within the HWC1 booklet to help build claimant motivation, and allows them to jointly develop a flexible plan of voluntary activities. Record the agreed actions on the LMS action plan, this means they can be reviewed at any subsequent voluntary or mandatory interview.

## Receiving the OPRT Report

12. To identify claimants who should have a mandatory HWC an office print reporting tool (OPRT) report needs to be run each week. The day/time this report is run is up to the site to agree. This report is called; LMS <date run>Restricted health and wc proc rep <office Mnemonic>
13. The following markers identify the claimants to be considered:

- claimant has the JP Client Type of Incapacitated/Disabled
- claimant has a primary benefit of employment and support allowance and
- claimant has a JP marker date that falls within the week commencing two weeks prior to the report run date

Note: this weekly report looks at the JP marker dates that are within a weeks range rather than just a specific date, see example below

OPRT Run Date	JP Marker Date	HWC Due Date
5/06/17	22/05/17 to 28/05/17	19/06/17 to 25/06/17
12/06/17	29/05/17 to 4/06/17	26/06/17 to 2/07/17
19/06/17	5/06/17 to 11/06/17	03/07/17 to 9/07/17

14. All cases identified on the report must be considered for a HWC.

15. If a claimant is identified as deferred or exempt take the following action in LMS.

### LMS Action

#### Deferred

Step	Action
1	Select pilot marker titled ' <b>CC &amp; HWC</b> '
2	Select stage value – <b>HWC Deferred</b>
3	Set a work flow to discuss the HWC at a later date .The length of the deferral will be dependant on the claimants individual circumstances For claims not yet in payment defer for two weeks or if there is a local delay processing new claims a length of time that meets this.
4	Update LMS conversations for the reason to defer

#### Exempt

Step	Action
1	Select pilot marker titled ' <b>CC &amp; HWC</b> '
2	Select stage value – <b>HWC Exempt</b>
3	Update LMS conversations for the reason to exempt

16. Where there is any doubt about the need to defer or exempt or the appropriate length of the deferral obtain advice from a DEA, work coach, work coach team leader or a service delivery support(SDS) team leader.

17. For those claimants who are neither deferred or exempt a SDS colleague or other suitable person/s books the HWC pre-call and HWC in the work coach's LMS diary.

### Linking Claims

18. Where the claimant has made a linking claim and the case appears on the OPRT a check has to be completed to see if a HWC has already taken place.

19. Where a HWC has already taken place in the initial period of limited capability for work (PLCW) where the two link (within 12 weeks) a HWC is **not** required. If requested a voluntary intervention can be offered to the claimant to discuss the support available from work coaches.

20. If a HWC has not already taken place in the initial PLCW and where the two link a HWC **must** be arranged. The HWC takes place at around week 4 of the second of the two PLCW. If the case appears on the OPRT early defer it for two weeks as in advance claims.

21. Claims that have been rebuilt for administration purposes will not need a HWC as their claim would link to a pre-existing ESA claim

**Scenario 1** Claim to ESA made on 2.2.17 and a HWC completed on 7.3.17 claim ends 16.3.17. A new claim is made 2.5.17 (within 12 weeks) therefore no new HWC required. A voluntary interview can be offered.

**Scenario 2** claim to ESA made 2.2.17 and ends 23.3.17 with no HWC taking place. New claim made 2.5.17 (within 12 weeks) HWC is required at around week four of the second PLCW. If it appears early on the OPRT defer until around 16.5.17 for consideration for a HWC and booking around 30.5.17.

## Work Programme participants

22. Currently a claimant who has transferred from JSA to ESA whilst attending the work programme (WP) continues to stay with the WP voluntarily whilst in the assessment phase. Even after the WCA where the claimant is placed in the work related activities group (WRAG), if it still within 2 years of starting the WP we do not invite the claimant into the jobcentre for their New Joiner Work Focused Interview (NJWFI). The claimant remains with the WP provider, again now on a mandatory basis, until the 2 year period is up. Once the 2 year period is up, we call the claimant in and conduct the NJWI.
23. Therefore, in these cases, we would not have the HWC at the time of the new claim (4 weeks) as the claimant will continue with the WP voluntarily. If the 2 year period ended before the WCA the HWC can be completed at this point. If the WCA happens within the 2 years the claimant will continue to work with the WP provider, either as an ESA claimant or as JSA (UC) if found fit for the remainder of the 2 years.

## Claimants not required to attend a health and work conversation

24. Some ESA claimants do not need to have a health and work conversation, if they fall into one of the following exemption categories:

Exemption category	Further Information
<b>Terminal illness</b> A claimant is regarded as being terminally ill if both of the following apply: <ul style="list-style-type: none"><li>at any time the person suffers from a progressive disease;</li><li>the person's death in consequence of that disease can reasonably be expected within 6 months.</li></ul>	Access JSAPS dialogues JA792 for health condition and Special Rules Y/N Indicator. Also, JA510 may give evidence, e.g. "T.I.", "Sp. Rules", "DS1500"
<b>Receiving treatment for cancer</b> The claimant is: <ul style="list-style-type: none"><li>receiving treatment for cancer by way of chemotherapy or radiotherapy;</li><li>likely to receive such treatment within 6 months after the date of the determination of capability for work and work-related activity; or</li><li>recovering from such treatment and we are satisfied that the claimant should be treated as having limited capability for work and work-related activity.</li></ul>	Access JSAPS dialogues JA792 for health condition and Special Rules Y/N Indicator. Also, JA510 may give evidence, e.g. "T.I.", "Sp. Rules", "DS1500"
<b>Life threatening disease</b> The claimant is suffering from a life threatening disease in relation to which:	Access JSAPS dialogues JA792 for health condition and Special Rules Y/N Indicator. Also, JA510 may give evidence, e.g. "T.I.", "Sp.

<p>There is medical evidence that the disease is uncontrollable, or uncontrolled, by a recognised therapeutic procedure; and in the case of a disease that is uncontrolled, there is a reasonable cause for it not to be controlled by a recognised therapeutic procedure.</p>	<p>Rules”, “DS1500”</p>
<p><b>Risk to self and others</b> The claimant is suffering from a specific illness, disease or disablement by reason of which there would be a substantial risk to the physical or mental health of any person were the claimant is mandated to attend a HWC.</p> <p>It may be very difficult to determine if the claimant is a risk to themselves or others from customer records. If there is an indication this is the case when reviewing the claimants records the SDS should refer the case to a suitable person e.g. work coach, DEA or line manager for a decision to exempt or invite for a HWC.</p> <p>Where the claimant is contacted by telephone as part of the SDS activity or at the work coach pre call and indicates they are feeling suicidal refer to the local DWP six point plan for guidance.</p>	<p>Access JSAPS dialogues JA792 for health condition &amp; 510 for any notes for indication.</p> <p>LMS may also give an indication.</p> <p>List to mental health conditions listed in the incapacity reference guide may help give an indication caution is required.</p> <p>Missing mental health conditions not included above and need consideration.</p>
<p><b>Full time carers</b> The claimant is providing care for a severely disabled person for at least 35 hours a week. A severely disabled person is defined as someone receiving:</p> <ul style="list-style-type: none"> <li>• the middle or highest rate of the Disability Living Allowance care component;</li> <li>• Constant Attendance Allowance;</li> <li>• Attendance Allowance;</li> <li>• either rate of Personal Independence Payment daily living component; or</li> <li>• the Armed Forces Independence Payment.</li> <li>• Does not qualify for the Carer Element but has significant caring responsibilities of at least 35 hours a week for a severely disabled person(s).</li> <li>• A carer for at least 35 hours a week of a severely disabled person who is awaiting an assessment for a severe disability benefit, i.e. DLA, PIP, AA or CAA will be placed in this group pending that benefit decision.</li> </ul>	<p>Access JSAPS dialogue JA761 (ESA Claim Details Enquiry – Pick list) - a ‘Y’ next to ‘Other Benefits’ indicates another benefit interest for this claimant.</p> <p>To view the other benefit interest, enter ‘Y’ in the square brackets next to ‘Other Benefits’ and press Enter – this will display dialogue JA767 (Other Benefits).</p> <p>In this screen, if the ‘Type’ column is ‘08’ this indicates a Carer’s Allowance interest. The ‘For’ column must contain ‘01’ as this indicates that it is the claimant, and not someone else in the household, is entitled to Carers Allowance’.</p> <p>For those showing as ‘01’ in the ‘For’ column, if the ‘Rec’d’ column contains ‘Y’ (received) or ‘U’ (underlying entitlement) then the claimant is a Full Time Carer.</p>
<p><b>Lone parents with a child under one</b> A lone parent/nominated responsible carer (including a foster carer/adoptive parent) of a child under 1.</p>	<p>Within LMS check whether the LMS Parent Marker, is set to ‘Lone’. If yes, check the age of the youngest child in child details window.</p>

	<p>The child details window is available via the CBW Hotspot to the right of the status marker, or via the Hotspots dropdown.</p> <p>If the age of the youngest child is shown as '0' the claimant has a child under age 1.</p> <p>JSAPS- Access JSAPS dialogue JA761- ESA Claim Details Enquiry List.</p> <p>A Y next to "children" indicates the claimant has dependant children in the household</p> <p>To view the children enter Y in the square brackets next to children and press Enter. This will display dialogue JA650( dependants you wish to claim for.)</p> <p>If any of the children are under 1 you will need to check if the claimant is a Lone Parent.</p>
<p><b>A parent who has recently adopted a child</b></p> <p>An adoptive parent who is the nominated responsible carer (lead carer) for a child: - for a period of 12 months from the date that the child moves into the household, or from up to 14 days earlier if the claimant requests.</p>	<p>Not noted on JSAPS.</p> <p>CIS or LMS may give an indication.</p>
<p><b>Claimants in full time education eg disabled students</b></p> <p>Disabled students may qualify for ESA (conts) while receiving education as long as they satisfy the basic and contributory conditions of entitlement. The only full-time students who may be entitled to ESA (IR) while they are studying are those who are in receipt of DLA/PIP. They have to meet all other conditions of entitlement. For the purposes of ESA (IR), someone who is entitled to DLA/PIP is not 'receiving education'.</p>	<p>Access JSAPS dialogues JA761 for health condition &amp; 510 for any indication that they are in education.</p>
<p><b>Young people without parental support and in full-time non-advanced education or training</b></p> <p>Non-advanced education is any qualification up to A Level, or equivalent. A young person with no parental support will be able to qualify up to age 21, or the end of the academic year in which they reach age 21 (or the end of the course if earlier)..</p>	<p>Consideration should be give to claimant's entitlement to Income Support.</p>
<p><b>Pregnancy related issues</b></p> <p>Pregnant within 11 weeks of expected week of confinement or 15 weeks after her expected date of confinement.</p> <p>The claimant is a pregnant woman and there is a serious risk of damage to her health or to the health</p>	<p>Access JSAPS dialogues JA792 for health condition, if states "other" go to 510 for further indication.</p>

of her unborn child if she does not refrain attending a HWC.	
<p><b>Claimants at/over Pension Credit age</b></p> <p>In mixed age couples where one partner is above the State Pension Credit (SPC) qualifying age and the other partner is below SPC age, the over SPC age partner will have no work related requirements. The under SPC age partner will have conditionality based on his or her personal circumstances.</p> <p>The claimant has reached the qualifying age for state pension credit and is entitled to</p> <ul style="list-style-type: none"> <li>• attendance allowance</li> <li>• the care component of disability living allowance at the highest rate or</li> <li>• the daily living component of personal independence payment at the enhanced rate.</li> </ul>	<p>Access JSAPS dialogues JA500 –</p> <p>At pension age a claimant's ESA claim would shut and the claimant would move over to SPC.</p>
<p><b>Receiving certain treatments</b></p> <p>The claimant is receiving:</p> <ul style="list-style-type: none"> <li>• regular weekly treatment by way of hemodialysis for chronic renal failure;</li> <li>• treatment by way of plasmapheresis; or</li> <li>• regular weekly treatment by way of total parenteral nutrition for gross impairment of enteric function; or is recovering from any of those forms of treatment in circumstances in which the Secretary of State is satisfied that the claimant should be treated as having limited capability for work.</li> </ul>	<p>Access JSAPS dialogues JA792 for health condition and 510 for further indication.</p>
<p><b>In hospital or residential care</b></p> <p>The claimant is:</p> <ul style="list-style-type: none"> <li>• undergoing medical or other treatment as an in-patient in a hospital of similar institution; or</li> <li>• recovering from such treatment in circumstances in which the Secretary of State is satisfied that the claimant should be treated as having limited capability for work.</li> </ul>	<p>Access JSAPS dialogues JA761 for health condition and 510 for further indication.</p>
<p><b>Prevented from working by law (Notifiable diseases)</b></p> <p>The claimant:</p> <ul style="list-style-type: none"> <li>• is excluded or abstains from work pursuant to a request or notice in writing lawfully made or given under an enactment; or</li> <li>• is otherwise prevented from working pursuant to an enactment, by reason of it being known or reasonably suspected that the claimant is infected or contaminated by, or has been in contact with a case of, a relevant infection or contamination.</li> </ul>	<p>Access JSAPS dialogues JA792 for health condition &amp; 510 for indication</p> <p>LMS conversations may also offer a indication.</p>

• <b>Add link to notifiable disease</b>	
<b>Credits Only</b>	Access JSAPS dialogue JA504 (General Enquiry) which will show weekly rates of £0.00 for Credits Only cases or JA523 (Award Details Enquiry) which will show award payable of £0.00 for Credits Only cases.
<b>IB( Reassessment Cases)</b>	Cases identified from the OPRT report as claimants have migrated to ESA are not subject to the HWC as they are outside the WCA assessment period.  An M next to the work “live” on JSAPS identifies IB re-assessment cases.
<b>Successful appeal against a WCA</b>	HWC not appropriate as claim outside of the assessment period.
<b>New Style ESA claimants</b>	ESA new style claimants are subject to UC conditionality and therefore a HWC is not appropriate

## Claimants whose health and work conversation may need to be booked at a later date (Deferral)

25. For some ESA claimants having the HWC at week 4 of their claim may not be appropriate.

However, there is no need to have a HWC, if the work capability assessment is due to take place within **3 weeks** of the HWC date.

**Note:** Claimants who have an **appointee** should be invited to an interview where there is evidence that these claimants would benefit from the HWC and able to attend and actively participate. For example there will be cases where there is an appointee to look after the claimants affairs such as where there is an issue with the handling of money. The date of the HWC should allow for the appointee to be able to make arrangements to attend and where necessary can be made after week 4 of the claim.

26. There are a number of scenarios where booking the HWC at a later date (Deferrals) is appropriate. This list is not exhaustive. Review all cases individually. Where there is a doubt a deferral applies or the length of a deferral seek advice from a work coach, work coach team leader, DEA or another suitable member of staff.

<b>Deferral category</b>	<b>Further Information</b>
<b>Those who have an Appointee/Personal Acting Bodies or Corporate Acting Bodies</b>	Any known appointee details are viewed using the Claimant Information System (CIS) in the 'Relationship History' screen, or JSAPS dialogues JA400, JA500 & JA501. You should also check LMS conversation history.
<b>ESA Claims that are not currently in payment</b> – defer two weeks to allow ESA to be put into payment, or an appropriate length depending on local ESA processing times.	JSAPS dialogue JA504 will be incomplete or claim will show as registered not built.
<b>Advance claims</b>	Where an advance claim is made, for

	example the claimant is in receipt of SSP a case may appear on the OPRT earlier than intended. These cases should be deferred until two weeks after the SSP is due to end and then if ESA is awarded and the claimant is not due to return to work within the near future a HWC should be arranged.
<b>Claimants with an agreed return to work date</b>	If when contacting the claimant they advise they have an agreed return to work date set an LMS workflow for one week after this to review the case to check the claim is closed. Where the claims remain open contact the claimant and if appropriate book the HWC.
<b>Claimant has a date to start a new job</b>	Set an LMS work flow and defer the interview until 1 week after the expected job start to check the claim is closed. Where the claim remains open contact the claimant and if appropriate book the HWC
<b>Claimants that are the victim of domestic violence</b> Any ESA claimant who tells Jobcentre Plus that they have been a victim of actual or threatened domestic violence is eligible for the initial 4 week easement as long as: the incident of domestic violence occurred within the previous 26 weeks; <b>and</b> it meets the definition of domestic violence; <b>and</b> they are not living at the same address as the abuser; <b>and</b> they have not previously had a period of domestic violence easement within the last 12 months.	Access JSAPS JA510.  LMS conversation may give an indication.
<b>Claimants recently bereaved</b>	Access JSAPS dialogues JA761 for other benefits and 510 for further indication.
<b>Claimants that have recently suffered from trauma (medical or otherwise)</b>	Access JSAPS dialogues JA792 for health condition & 510 for indication.
<b>Claimants on Jury Service</b> The claimant must contact the Jobcentre to say why they are not able to attend the HWC.	LMS may give an indication within conversation. Before rearranging to a later date the claimant must supply proof.
<b>Claimants that are temporarily absent for medical treatment</b>	Access JSAPS dialogues JA792 for health condition & 510 for indication.
<b>Young person under 18</b>	Defer until 18 <sup>th</sup> birthday

## Contacting the customer by telephone to book the HWC

27. Once a claimant is identified as needing a HWC contact them by telephone to arrange it.
28. Before making a call dial #1470 followed by the claimant's telephone/mobile number, this will display caller details.
29. Be mindful when contacting the claimant you may be speaking to a person who is dealing with difficult issues or life events which may not have been discussed. See Vulnerability Instructions – Additional Support for Individuals



30. Listen carefully to what the claimant is telling you and avoid making assumptions.

31. Some points to consider:

- are you speaking to the correct person- follow security process
- give a short introduction of the purpose of the HWC
- explain it is mandatory to attend the HWC
- if they cannot attend they must make contact to rebook the HWC
- if they then fail to attend they will be given the opportunity to explain but there is a risk they may be sanctioned if there is no good reason for their non attendance
- consider what special adjustments may be needed- private room, ground floor or if the interview should take place in another approved place
- explain they must let us know if they cannot attend and explain childcare or travel costs can be reimbursed if needed.
- explain how long the HWC will last and the name of the work coach they will see and the work coach will call 2 days before the HWC to introduce themselves
- ensure we have the claimants mobile number or an alternative so a SMS reminder text can be sent
- book the pre call and HWC
- make a note of any special arrangements in LMS

### Example of short introduction to the HWC

“Hello Good Morning / afternoon, my name is/I’m and I’m calling from..... JC+..... Can I confirm I’m speaking to...../can I speak to...?”

“Our records show you’ve recently claimed Employment and Support Allowance, I’m calling to arrange a time and date which you are available to attend the Jobcentre; the Health and Work Conversation is a new type of work focused interview, it gives you the chance to discuss what’s important to you, and also gives the work coach a chance to share knowledge of the available support to you. The conversation will be led by you and we will only discuss work if this is appropriate to your circumstances or you wish to.

**SDS staff to note:** Explain the purpose of the HWC and their attendance and participation is mandatory. When explaining sanctions be sensitive to potentially vulnerable claimants particularly those with mental health conditions / learning difficulties – be clear about responsibilities and consequences but tailor your approach to the individual.

When contacting the claimant they may refer to a health condition other than the primary health condition listed on their fit note as a reason not to attend. Unless you believe this is potentially serious tell the claimant they are required to attend. Where there is a doubt refer to a work coach, work coach team leader, SDS team leader or a DEA for advice.

### Booking a health and work conversation

32. The service delivery support (SDS), or other suitable person must access the OPRT report

Step	Action
1	Check for correct office mnemonic: <ul style="list-style-type: none"><li>• If correct go to step 2</li><li>• If not, message the owning office requesting the case be assigned to your office ( LMS Work flow).</li><li>• When received take the action below.</li></ul>
2	Check if the claimant has ESA in payment:- <ul style="list-style-type: none"><li>• If yes, go to step 3</li><li>• If not,</li><li>• Set pilot marker titled CC &amp; HWC to HWC Deferred</li></ul>

	<ul style="list-style-type: none"> <li>• Set LMS work flow for 2 weeks to check claim has gone into payment</li> <li>• If on recheck if claim live but still not in payment defer for a further 1 week</li> <li>• Update LMS conversations with deferral reason</li> </ul>
3	<p>Check if claimant is exempt from the HWC:-</p> <ul style="list-style-type: none"> <li>• If not, go to step 4</li> <li>• If yes: <ul style="list-style-type: none"> <li>• Select LMS pilot marker titled CC &amp; HWC</li> <li>• Select stage value HWC Exempt</li> <li>• Update LMS conversations with exempt reason</li> </ul> </li> </ul> <p><b>Note:</b> If it is unclear if a claimant is exempt consult a team leader for advice.</p>
4	<p>Check LMS markers and conversation history and the Staff Protection List for reasonable adjustments then make appropriate arrangement if necessary</p>
5	<p>Telephone the claimant ( up to 3 times) to:</p> <ul style="list-style-type: none"> <li>• explain you are telephoning from the Jobcentre and the claimant is being invited to attend a HWC</li> <li>• check you are speaking to the right person and all their personal details are correct</li> <li>• explain the HWC is a conversation to help support the claimant move closer to the labour market.</li> <li>• explain attendance is mandatory but the conversation is very informal and any actions the claimant may decide to do as a result are voluntary</li> <li>• agree a convenient date/time to attend the jobcentre – ask them to come in 10 minutes before their appointment explain they will be asked to complete a HWC booklet to help them focus on their circumstances and needs</li> <li>• the HWC is about building a relationship with the work coach, exploring steps the claimant can take to help themselves and develop a voluntary action plan</li> <li>• confirm any special requirements a claimant may have so that they can attend the HWC, e.g. do they need to bring someone with them, do they need child care or travel costs or a private room.</li> <li>• explain the purpose of the HWC and that their attendance and participation is mandatory. When explaining sanctions be sensitive to potentially vulnerable claimants particularly those with mental health conditions / learning difficulties – be clear about responsibilities and consequences but tailor your approach to the individual</li> <li>• explain that it is not part of the work capability assessment (WCA) (If you do have a WCA, the details of your health and work conversation will not be shared with the healthcare professional that carries out your assessment)</li> <li>• tell them that their work coach will call them 2 days before the HWC to introduce themselves</li> <li>• ensure where possible we have the claimants correct mobile number, or a alternative number they can be contacted on at a pre arranged time</li> </ul>
6	<p>Book a 40 minute HWC in the LMS diary for a work coach as a mandatory HWC using interview type Health and Work Conversation (HWC)</p>

7	Book a 10 minute LMS Interview type HWC Pre- call. This call should where possible take place 2 days before the HWC and wherever possible must be with the same work coach that is doing the HWC
8	Send ESAHWC1 invitation letter to claimant notifying date and time of the HWC
9	On the day before HWC, send SMS text reminder. If a claimant does not have a mobile phone, telephone them to remind them of the date and time

### Booking a health and work conversation without contacting the claimant

33. If you are unable to contact the claimant by telephone record your attempts/reason in LMS conversations, book a HWC and pre HWC call without contacting the claimant and send the invitation letter [ESA HWC1](#) giving date and time of appointment. Note in LMS appointment letter posted.

**Note:** from November 2017 a LMS generated interview invitation letter will be available.

34. For more information see booking an interview

### Health and work conversation preview

35. As part of the Jobcentre Plus commitment to safeguard vulnerable claimants, as well as reducing FTA rates, there are a few activities that must take place **2 days** before a claimant's HWC. This is to ensure the claimant is more likely to attend. The work coach must:

Step	Action
1	<p>Check if the claimant's ESA is in payment:</p> <ul style="list-style-type: none"> <li>• If yes, go to step 2</li> <li>• If not, put a note on LMS conversations, cancel the appointment and notify the claimant by phone, email or text.</li> </ul>
2	<p>Check if claimant is exempt from the HWC:</p> <ul style="list-style-type: none"> <li>• If not, go to step 3</li> <li>• If any new circumstances come to light that means the claimant does not need to attend the HWC, cancel the appointment and note LMS conversation. Notify the service centre of any relevant change in circumstances via Handover Telephony Tool</li> <li>• If exempt, note LMS conversation, cancel the appointment and notify the claimant by phone, email or text.</li> </ul>
3	<p>Telephone the claimant:</p> <ul style="list-style-type: none"> <li>• make introductions,</li> <li>• if unable to contact HWC pre-call cancel the interview and note LMS conversations no contact made</li> <li>• Give your name and explain you will be having a HWC conversation with them</li> <li>• Let them know what will happen when they arrive at the jobcentre, where you sit and who will meet them</li> <li>• Confirm date, time and location of conversation, ask them to come in 10 minutes before their appointment time</li> <li>• the HWC is about building a relationship with the work coach, exploring steps the claimant can take to help themselves and develop a voluntary action plan</li> <li>• Confirm the HWC is a conversation to identify any help the jobcentre can offer you to prepare for work when you are able to</li> <li>• Explain attendance is mandatory but the conversation is very informal and any actions the claimant may decide to do as a result are voluntary</li> </ul>

	<ul style="list-style-type: none"> <li>• Confirm any special requirements a claimant may have so that they can attend the HWC, e.g. do they need to bring someone with them, do they need child care or travel costs or a private room.</li> <li>• Explain the purpose of the HWC and that their attendance and participation is required. When explaining sanctions be sensitive to potentially vulnerable claimants</li> <li>• Note any issues that may impact on a safeguarding issue in LMS</li> <li>• Ask them if they have any questions</li> </ul> <p>For more information see instructions on telephone contact</p>
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## Conducting the health and work conversation

36. When the claimant attends a HWC, they will have been told to come in 10 minutes before their appointment time. During this time, they may be asked to complete the “About Me” part of the HWC1 booklet.

37. Completion of the booklet is a valuable source of information to assist the HWC conversation but completion is **not** mandatory. For example the claimant may have difficulty completing this because they cannot write or lack the ability to express their requirements.

38. Before the conversation conduct a final check in LMS for incident marker.

Note: where the claimant is having difficulty completing the HWC1 booklet it can be used as a discussion document.

39. During the HWC the work coach should where possible to get the most out of the HWC complete the following:

Step	Action
1	Discuss the “About Me” part of the HWC1 booklet
2	Discuss the HWC5 My Values part of the HWC1 booklet with the claimant.
3	Complete the remaining parts of the HWC1 booklet with the claimant ( my four steps) and offer the completed booklet to the claimant to take away with them. Work coach – see HWC1(WC) which is for use by the work coach only, it provides instructions for the work coach to guide the claimant through each part of the HWC.
4	Discuss the help available to the claimant. Use the district provision tool and flexible support
5	Complete an LMS action plan. Note: any actions agreed are voluntary
6	If required, arrange a date and time for a follow up ESA voluntary flexible interview and issue a LMS generated interview letter.
7	Note LMS by: a) Select pilot marker titled ‘ <b>CC &amp; HWC</b> ’ b) Select stage value – <b>Part HWC</b> Update LMS conversations (if required)

40. Full details on preparing for and conducting flexible interventions is available in the WFI Process and Supporting Tools for Advisers and ATMs guidance.

## Claimant fails to attend

41. When a claimant fails to attend a health and work conversation (HWC), the work coach must consider whether the claimant has shown good cause for not attending.

42. In LMS mark the interview as failed to attend, telephone the claimant to find out why they didn’t attend, and consider if they have good cause.

43. If you are unable to contact the claimant, consider raising a doubt as to whether they have good cause. See unable to contact claimant

### Contact made good cause accepted

44. If the claimant shows good cause for not attending:

Step	Action
1	Re-book the HWC
2	Send appointment letter and note in LMS conversations it has been posted
3	Do not set the pilot marker
<b>Note:</b> the claimant may have provided new information that shows they are exempt. Make a note of this in LMS conversation and cancel HWC and select pilot marker CC & HWC Set the stage marker to HWC Exempt	

### Contact made good cause not accepted, but claimant prepared to rebook

Note: For the group of claimants invited to a HWC certain easements have been allowed to encourage re-engagement following an initial FTA.

45. If you make contact with the claimant and they are unable to provide good cause, but are prepared to attend a rebooked HWC, no further DMA activity should be taken at this point.
46. There is no need to raise a doubt, although the interview should have been marked as FTA on LMS.
47. Rearrange the interview for as soon as possible, agreeing the time with the claimant, and emphasise that it is really important that the claimant attends, emphasising the purpose of the meeting, and the potential for a sanction.
48. Note LMS conversations, detailing that 'claimant FTA 1<sup>st</sup> Health and Work Conversation without good cause – prepared to re-engage so no DMA action taken.'
49. This easement should only be applied on one occasion where no good cause has been shown. If a further FTA without good cause occurs then follow 'Contact made good cause not accepted, claimant not prepared to rebook, or second failure without good cause(LINK)
50. This easement applies to HWC only, not to NJWFIs, or mandatory flexible interviews for WRAG claimants.

### Contact made good cause not accepted, claimant not prepared to rebook, or second failure without good cause

51. If the claimant shows no good cause for not attending and is not prepared to rebook:

Step	Action
1	Raise a doubt on LMS. Issue ESAHWC2 letter, allow 7 working days for contact to be made by claimant letter ESAHWC2.
2	Complete DART stencil, detailing why good cause is not accepted
3	Refer completed DART stencil and ESA claim to LMDM to make sanction decision. From 25 Sept 2017 use AR code CSL026 for FTA and AR code CSL027 for FTP – use existing codes prior to this date.

### Unable to contact claimant

52. If you are unable to contact the claimant by phone:

Step	Action
1	Post the Failed To Attend letter ESAHWC 2 and ESA10 to claimant; allow 7 working days for contact to be made by claimant Set a LMS workflow.
2	If contact made and good cause accepted, see Contact made good cause accepted
3	If no contact made, consider arranging a safe guard visit. Always consider a home visit where the claimant has a health condition likely to impact of their cognitive ability to understand. The ESA Incapacity Reference Guide lists conditions with a * where this is a likely occurrence



	<p>This list is not exhaustive.</p> <p>If after home visit, good cause is accepted, see Contact made good cause accepted</p> <p>If after home visit, good cause is not accepted, see Contact made good cause not accepted</p> <p>Note: DWP Visiting will not conduct visits to a “care of” address, if you are unable to trace a confident address please take action as if 2 ineffective visits have taken place. That is, refer to the HEO to consider if Jobcentre Plus have taken all reasonable steps in safe guarding</p>
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## Safe guarding information

**Note: DWP Visiting will not conduct visits to a ‘care of’ address, if you are unable to trace a confident address please take action as if two ineffective visits have taken place.**

53. Where 2 Core Visits have been ineffective, refer the claimant’s details to the HEO to consider whether Jobcentre Plus have taken all reasonable steps in safeguarding these claimants.

## Other consideration

54. It is important the HEO considers the welfare of claimants suffering from mental health conditions, learning disabilities or health conditions which affect cognition before imposing any sanction on benefit. Refer to the ESA Incapacity Reference Guide if unsure whether the claimant’s condition is a mental health condition or learning disability.

55. To avoid any hardship to claimants in a vulnerable group every attempt must be made to ensure the claimant’s welfare. In the event of 2 ineffective visits, the HEO must attempt to contact the following sources to establish the claimant’s welfare:

- Claimant’s Appointee/POA/next of kin,
- Claimant’s Community Psychiatric Nurse,
- Social Services,
- Police.

**Note:** The contact with these people/organisations is to ensure a claimant’s welfare (we have a moral obligation to make organisations aware of potential incidents around vulnerable claimants) and not to gather information to support the Labour Market process. The Data Protection act does not allow for these people/organisations to report back to DWP the outcome of any investigations they choose to undertake.

56. Supplying a claimant’s details to Social Services or the Police in these circumstances does not contravene the Data Protection Act. Providing there is evidence to support the referral, the sharing of information falls under the exemption category.

57. If the HEO considers the claimant continues not to provide good cause or it has not been possible to establish contact then the HEO must review information (mainly from LMS) and note LMS conversations of the actions considered and reviewed. This is to satisfy the Work Coaches/DM that they have confirmed all actions have been taken whilst considering safeguarding action, including:

- Considering the context of the interview and whether the interview should be deferred.
- Notifying the claimant of the date, time and place of the interview and asking them to get in touch if they cannot make it.
- Offering a more convenient location or a home visit where appropriate and encouraging advocacy support if needed.
- Identifying any relevant issues where known that might impact on attendance.
- Before the interview, contacting the claimant to remind them that it is due.
- Visiting claimants with whom there has been no verbal contact prior to the interview.
- Visiting every claimant with a stated mental health condition or learning disability, with their representative if appropriate, to ensure they understand their responsibilities, and details of the attempts made to visit the claimant and the reasons they are not effective.

58. Jobcentre Plus’s commitment to safeguard claimants means that all these steps should have taken place and so it is important that they are carried out and noted to inform the adviser.

59. The adviser will then gather the relevant documentation so that the case can be sent to the LMDM, including details of safeguarding steps taken. This will enable the LMDM to make an informed decision about whether a sanction is appropriate, even where a claimant is deemed vulnerable. LMS prints should not be included as the LMDM has access to LMS.

## Claimant fails to participate

60. Requiring claimants to “participate” means the claimant must do more than just attend the interview by turning up on the right day at the right place; they must involve themselves in the interview.
61. “Participation” also extends to appropriate and reasonable participation as we would normally be expected by a reasonable person and making some meaningful contribution to the interview, for example, by answering questions which are an integral part of the interview.
62. For the HWC the claimant is expected to take part in the discussion to discuss their circumstances and needs and to offer their own solutions to identified issues.
63. Behaviours that lead to premature termination of an interview may well be considered to be a “failure to participate”, that is, refusing to answer questions, being unwilling, abusive or uncooperative.
64. Consider each case prior to any referral to a LMDM taking into account the claimants’ health condition and the impact this could have on their understanding and ability to communicate effectively. For example if the claimant is depressed could their behaviour be part of their symptoms and not because they are being deliberately uncooperative.
65. If a claimant FTP try to establish the reason why. Consider their current circumstances and/or health condition (including their vulnerable status) before deciding whether to attempt to re-engage them.
66. Explain that participation is mandatory and what will happen if they fail to do so, such as a possible sanction.
67. For more information see fails to attend/participate instructions.
68. If they still FTP in the intervention:

Step	Action
1	End the conversation and record the reasons in LMS
2	Post the ESAHWC2 letter and ESA10 to claimant, allow 7 working days for contact to be made by claimant. Raise a doubt in LMS
3	If contact made and good cause accepted, see Contact made good cause accepted
4	If no contact is made, consider arranging a safe guarding visit to claimant If after home visit, good cause is accepted, see Contact made good cause accepted  If after home visit, good cause is not accepted, see Contact made good cause not accepted

## Flexible Menu of Support

69. Discuss support and tools available to them and agree what would be suitable to help them build motivation and prepare for or improve their prospects of moving closer to work.
70. The support on offer to claimants can differ and work coaches must utilise their District Provision Tool when conducting these conversations. In addition to localised support there are a number of national initiatives that they have access to for example:
- Work Clubs,
  - Working Together,
  - Enterprise Clubs,
  - Work Choice,
  - Health Related Support,

- National Careers Service,
- Work Trials,
- Work experience and work placements for ESA claimants,
- Permitted work
- Volunteering, and
- Troubled Families.

This list is not exhaustive.

### **Claimant requests additional voluntary support**

71. Provision has been made to enable claimants to engage with work coaches in voluntary interventions for as long as the claimant and work coach feel there is a benefit to this.

72. This support can be in person, by telephone or any other suitable method.

73. Where possible an ESA flexible voluntary interview should be used to support this. Change the pilot marker from HWC participant to HWC Add Support.