

ESA for BC - FTA or FTP in Mandatory interview or intervention and FTP in WRA

Please note that this guidance applies only to claimants who FTA or FTP in a mandatory interview/intervention or FTP WRA on or after 3 December 2012.

1. Claimants who are aged 18 or over and in the Work Related Activity Group (WRAG) (excluding Credits Only claimants, Full Time Carers, claimants at or over the age at which they are entitled to receive Pension Credit, and some Lone Parents), are required to comply with conditionality, either via Jobcentre Plus or by participating in the Work Programme, as a condition of receiving Employment Support Allowance (ESA). See ESA Guidance for Jobcentres, 05 Jobcentre Plus Offer.
2. These WRAG claimants are required to take part in mandatory interviews or interventions (this includes New Joiner's Work-Focused Interview (NJWFI), Flexible Interventions, and Work Programme Referral Interview) and to undertake Work Related Activity (WRA).

Note: there are some exemptions/restrictions from being required to undertake WRA. See ESA Guidance for Jobcentres, 05 Jobcentre Plus Offer

3. ESA claimants who Fail to Attend (FTA) or Fail to Participate (FTP) in a mandatory interview/intervention or fail to undertake WRA, must show they have good cause, if they are to avoid benefit sanctions.

Jobcentre Referrals

4. If a claimant FTA or FTP in a mandatory interview/intervention or fails to undertake Work Related Activity (WRA) the work coach at the Jobcentre must consider whether they have shown good cause for the failure.
5. If the work coach considers that good cause has not been shown they have to take action as in next paragraph before the case is referred to a Labour Market Decision Maker (LM DM).
6. All ESA claimants are classed as vulnerable for Hardship purposes therefore the work coach needs to:
 - confirm the claimant is entitled to income-based ESA
 - carry out a basic check of claimant's finances in case they have capital that would exclude them from Hardship. This can be achieved by questioning the claimant and by referral to JSAPS screen JA091013.
 - make a record in LMS Conversations
 - include the work coach email address and telephone contact details in the decision maker referral
 - get the claimant's contact details if not already held and note/confirm in LMS and
 - advise the claimant that contact will be made if a sanction is imposed so that the Hardship process can be started
7. The case is then referred to a Labour Market Decision Maker (LM DM) using Decision and Automated Referral Toolkit (DART). If DART is not available use form ESA/IS285. Notifications issued to claimants as part of the

FTA/P process notifies them of the re-compliance condition and explains about the fixed period upon re-compliance.

8. The LM DM reviews the determination and, if they agree the claimant has failed to show good cause, a decision is made to impose a sanction, such as the amount of Employment Support Allowance (ESA) payable is reduced.

9. The LM DM is required to either copy the originating work coach into the email sent to the benefit centre and/or telephone the work coach to confirm a sanction is to be imposed.

10. On receipt of an email/telephone call confirming a sanction is to be imposed, the work coach checks LMS Conversations and tries to contact the claimant by telephone/text.

11. Where contact is made:

- remind the claimant of the decision maker referral
- confirm a sanction is to be imposed and that the claimant will be receiving a letter, which will include information about how to challenge the decision if they think it is wrong and
- discuss Hardship with the claimant and arrange an interview if requested

Note: Work coaches must make sure that a robust system is in place to make sure this process can still be operated in the event of their absence or unavailability. This may be achieved by providing colleagues access to their email inbox or by the creation of a generic inbox into which decision makers can send their decisions (but must be notified to the decision maker as part of the referral). Managers must also make sure that whichever process is operated, the alternative inbox is regularly monitored and prompt action is taken.

12. If the LM DM does not agree with the work coach's determination, a decision is made to allow the case. The Jobcentre will be notified and should consider rebooking the mandatory interview or reconsider the WRA.

Work Programme Provider Referrals

13. Once a claimant has been referred to the Work Programme (WP), the WP Provider will raise any doubt about compliance by issuing a WP08 direct to the Benefit Centre for the Labour Market Decision Maker to consider whether good cause can be accepted. See Work Programme Guidance.

14. If there is insufficient information for a decision to be made, the further information should be requested direct from the Provider who made the referral and not via the Jobcentre.

Good cause consideration

15. Good cause must always be considered, even where the claimant has not provided an explanation about why they FTA or FTP the mandatory interview/intervention, or failed to undertake WRA. When considering good cause the Labour Market Decision Maker (LM DM) must:

- take into account the claimant's individual circumstances and determine whether it was reasonable for them to attend/participate in the interview
- have particular regard to the welfare of less able claimants, e.g. those suffering from mental health conditions, learning disabilities, conditions

affecting communication/cognition such as stroke or autistic spectrum disorder (not an exhaustive list).

16. The Regulations apply equally whether the claimant has FTA/FTP or failed to undertake WRA. A claimant can show good cause for FTA/FTP or failure to undertake WRA if, for example, they ;

- Have misunderstood any requirement given to them due to any learning, language or literacy difficulties
- Have been given misleading information by a member of staff
- Were attending a medical or dental appointment, or accompanying a person for whom the claimant has caring responsibilities to such an appointment, and it would have been unreasonable for them to rearrange that appointment
- Had difficulty with their normal mode of transport and there was no reasonable alternative
- Have established customs and practices of religion, which prevented them from attending at that particular time
- Were attending an interview for employment
- Were pursuing an employment opportunity as a self employed earner
- Had an accident, sudden illness or relapse in the case of a chronic condition which prevented the claimant from attending on the day
- Are a person with caring responsibilities and the person for whom care is provided had an accident, sudden illness or relapse in the case of a chronic condition which prevented the claimant from attending on the day
- Suffer from any disability or health condition, which prevented them from attending on the day
- Were attending the funeral of a relative or close friend
- Have any other issues/circumstances that the LM DM considers appropriate.

Note: the above list is not exhaustive.

Sanctions

17. On 03 December 2012, a revised sanctions regime was introduced for ESA claimants. A new hardship regime was also introduced.

18. If the Labour Market Decision Maker (LM DM) determines the claimant has not shown good cause for a failure to FTA or FTP in a mandatory interview/intervention or to undertake Work Related Activity (WRA), a sanction decision is made. The sanction should be entered onto JSAPS.

19. The claimant's benefit is reduced by 100% of the personal allowance of ESA.

Note: Where this guidance refers to "personal allowance" this means that the reduction is 100% of the amount prescribed for a single person.

20. The sanction consists of an open-ended period followed by a fixed term period:

Open-ended Period

21. The reduction in ESA applies from the first day of the benefit week in which the failure determination is made (by the Decision Maker), unless the claimant has been paid benefit since the failure occurred in which case the

reduction will be applied from the first day of the benefit week after the claimant was last paid.

22. The open-ended element of the sanction will usually remain in place until the start of the benefit week in which the claimant re-complies. This means the claimant has done the activity required e.g. attended an interview, or agreeing to do the activity may count such as contacting the Jobcentre to rearrange an interview. The work coach/provider will notify the Benefit Centre immediately if a claimant re-complies.

Fixed Term Period

23. A fixed term period (Employment Support Allowance (ESA) is still reduced by 100% of the personal allowance) immediately follows the open-ended period, from the start of the benefit week in which the claimant re-complies. The length depends on the number of sanctionable failures within 52 weeks of the current failure. The 52 week period begins on the date of the current failure and counts back for 52 weeks.

24. The fixed term periods are one, two or four weeks. A one week fixed term period will apply if there are no sanctionable failures within the previous 52 weeks, and a two week period will apply when there is only one previous sanctionable failure within 52 weeks. A four week period will apply if there is a previous sanctionable failure in the 52 week period with a fixed term period of two or four weeks.

25. The fixed term period will escalate if it is within 52 weeks of the last sanction but not within two weeks of it. When two or more sanctionable failures occur in the same two weeks each one will be given the same level of fixed period, it does not escalate.

Example 1

An ESA claimant FTA a WFI on 25/03/2016. They also fail to undertake WRA on 28/03/2016.

Both Sanctionable Failures attract a one week fixed period.

The claimant then fails to undertake another WRA on 07/06/2016. This attracts a two week fixed period, as the previous sanction included a one week fixed period.

26. The Labour Market Decision Maker will determine the length of the fixed term period and must record their decision on Decision and Making Appeals System (DMAS), and notify the ESA maintenance team. Full details on recording the decision are available in the DMAS System User Guide.

27. It is essential that the details of the Sanction recommendation, including the fixed term period, are detailed on the DMA decision notification.

28. In cases where a sanction is applied, the decision notification (including the sanction recommendation) must be sent to the appropriate ESA Claims maintenance Team and to the appropriate Jobcentre

29. See examples of How the fixed term period is calculated.

30. In some circumstances the fixed term period is not applicable;

- If the sanction being lifted is on a pre- 3 December 2012 failure;
- If participation in the Jobcentre Plus Offer or WP becomes voluntary e.g. the claimant has been placed in the Support Group or
- If the claimant completes the Work Programme.

Note: Sanctionable Failures or sanctions that happened prior to 3 December 2012 do not count toward the new Sanctions Regime.

Multiple Sanctions

31. A claimant may have a further sanction imposed before they re-comply with an earlier sanction. Sanctions will run concurrently; that is two (or more) sanctions may be on the claim at the same time. When the claimant complies with the mandated activity in question a sanction may be lifted but any other sanction/s will remain in place until the claimant complies with the mandated activity for the other sanction/s (followed by the appropriate fixed term period).

Note: When the rate of Employment Support Allowance payable to the claimant changes e.g. at uprating time, the rules for calculating the reduction should be applied to the new rates in payment.

Hardship

32. Employment Support Allowance (ESA) claimants who are sanctioned under the revised sanctions regime are able to apply for Hardship from day 1 of the sanction at 60% of the personal allowance.

33. The claimant must have an award of ESA (IR) or be in receipt of ESA (C) but has an underlying entitlement to ESA (IR) before making a claim for hardship.

34. An ESA hardship award is an award of Income Related ESA (ESA (IR)) made at a reduced rate to give a minimum level of financial support.

35. ESA Hardship payments can be made to certain people who would suffer hardship if ESA was not paid.

36. The decision about whether or not to make an ESA hardship award is usually made by an ESA Hardship Officer in the Jobcentre.

37. Hardship awards should be processed on JSAPS by a Claimant Service Officer - Claims Maintenance (CSO CM) in the Benefit Centre. See ESA Hardship Guidance for further information.

Voluntary Claimants

38. Sanctions can only be applied to claimants who are required to attend a mandatory interview/intervention or to undertake Work Related Activity (WRA) as a condition of receiving Employment Support Allowance. Voluntary claimants cannot be required to attend mandatory interviews/interventions or to undertake WRA. They are:

- Support Group claimants
- Credits Only claimants
- Full time carers
- Lone Parents with a youngest child under one
- Claimants at or over the age at which they are eligible to receive Pension Credit. See the State Pension Age Calculator for more information
- Claimants awaiting their initial WCA outcome (no Work Programme access)
- Claimants appealing a WCA decision that they have no LCW (disallowed ESA)
- Incapacity Benefit claimants – prior to IB (IS) Reassessment
- Other benefit recipients
- Wholly Abated cases (claimants whose ESA is not payable due to pension income or overlapping benefits). However, where the pension

income/overlapping benefits cease then the claimant would be subject to conditionality.

See DMG Memo 41/12.

39. Additionally voluntary claimants, can be sanctioned if the claimant's partner fails to attend a mandatory interview without good cause under the Work Focused Interviews for Partners regime.

Local Authority Youth Service Referrals (under 18s)

40. 16/17 year old claimants ("Young Person" (YP)) unless they are in the Support Group are required to attend a Learning Focused Interview (LFI) (not a WFI) with the Local Authority Youth Service, once they have been placed in the Work Related Activity Group (WRAG) and the Work Related Activity Component is in payment at week 14 of the claim.

41. The YP has one opportunity to attend the LFI. If they (FTA)/ (FTP) the LFI, unless they can demonstrate Good Cause, benefit may be sanctioned in accordance with the revised sanctions regime from 03 December 2012.

Jobcentre Plus is responsible for making any decisions when an YP FTA/FTP their LFI. The Local Authority Youth Service will advise the 16/17 year old Specialist Adviser that the YP has FTA. The Adviser then takes FTA action.

42. All FTA/FTP doubts raised against LFIs are recorded by the DM-LM directly into DMAS, not LMS. To apply the sanction on JSAPS, see Good Cause Not Accepted - Recording Sanction Decision on JSAPS .

43. The FTA/FTP process for 16/17 year olds mirrors that for adult claimants. If the claimant FTA/FTP and good cause is not shown, their ESA may be subject to a sanction in the normal way.

Action Required by Benefit Centre (BC) Claimant Service Officer Claims Maintenance (CSO CM)

Please note that these instructions apply only to claimants who FTA or FTP in a mandatory interview/intervention or FTP WRA on or after 3 December 2012.

Good Cause Accepted

44. If the Labour Market Decision Maker has determined that good cause has been shown for FTA or FTP the mandatory interview/intervention, or failure to undertake WRA, the DMAS system will notify the work coach that the good cause has been accepted. The work coach will then update LMS and determine the next steps for the claimant.

Good Cause Not Accepted

45. If the Labour Market Decision Maker (LM DM) determines that good cause has not been shown, a DMAS decision notification is sent to notify the CSO CM to impose a sanction. The LM DM will also calculate the appropriate fixed term period and record this on the notification. A sanction decision is made which must be notified to the claimant and recorded on JSAPS.

Issuing Decision Letters for Sanctions and changing suppression defaults

46. The claimant must be notified of the sanction decision via a JSAPS notification regardless of whether the claimant has an open ended, or closed sanction.

47. From 16th November 2015, where a labour market sanction or disallowance has been input, the 'Inhibit award notification' will not appear. Notification to the claimant will be sent automatically.

Note: in certain scenarios, the automatic notification function will not work and the 'inhibit award notification' field will still be displayed. In these cases, users will be required to overwrite the default with 'N' to prevent the notification being inhibited. If in any doubt, do not inhibit the notification.

48. The following system action must be taken:

• Step	• Action
1	JA513525 Check <u>dialogue JA513</u> to establish if claimant has a reduction to the WRAC under the pre 3 December 2012 sanctions regime (that is, the sanction AR code is not CSL015 or CSL017). If so, take action as per <u>Claimant has existing sanction under pre 3 December 2012 sanctions regime</u>
2	JA210213 <ul style="list-style-type: none"> • (S)usp/(D)ecision field – input D • Case Number field – leave blank • Press Enter.
3	JA210212 <ul style="list-style-type: none"> • AR Code field – input the appropriate AR Code (See <u>AR Decision Codes</u>) • Doubt field – input the start date of the sanction in the AR Period (see <u>Sanctions</u> for details of the date ESA reduces) • End Date field – leave blank unless you need the sanction to end on a particular date • JS85 Number field – leave blank. • Decision field – input DISD • In the Source field input either: <ul style="list-style-type: none"> • Decision Maker (limited) • Decision Maker • Regional Decision Maker • Date of Transgression field – input the date of the failure (FTA or FTP the mandatory interview/intervention, or failed to undertake WRA)

	<ul style="list-style-type: none"> • ES Action field – leave blank • Credits Allowed field – displays Y or N to show whether credits are allowed • Decision Current At Field – displays blank • Decision Date field – input the date of the Sanction Decision • FTA Time field – leave blank • Employer field – leave blank • Press F1 to proceed to screen JA200201: Award and Decision.
4	<p>JA200201</p> <ul style="list-style-type: none"> • Press F12 to scroll through the Evidence Summary screen(s) • Press Enter to proceed to Award Summary screens.
5	<p>JA200202</p> <ul style="list-style-type: none"> • Press F12 to scroll through Award Summary Screens – check details are correct • Press F24 to proceed to Screen JA405407.
6	<p>JA405407</p> <ul style="list-style-type: none"> • Check Payment details are correct <p>Input [N] into the 'Inhibit Award Notification?' field if a decision notification is required. This field will not display for most sanction decisions as notification will be sent automatically to the claimant. Where the field is displayed a notification must be issued where the claimant's award has changed.</p> <p>(ESA payment must not fall below 10p per week, this makes sure pass-porting arrangements stay in place. The sanction deducted amount may need to be changed to make sure ESA does not fall below 10p)</p> <ul style="list-style-type: none"> • Press End to update JSAPS.
7	<p>JA110111</p> <p>In notepad record "Sanction with date of Failure (transgression) **/**/** [insert date] - * week [insert appropriate number of weeks</p>

	9of fixed term period] fixed term period applies. Do not remove this note"
8	TPD Where there are third party deductions on the award and after applying a sanction, there is insufficient ESA in payment to continue all or some of any existing third party deductions consult your specialist third party deductions team for the appropriate action to take.
9	CAM Update <u>CAM contact history</u>

49. In addition a case control must be set four weeks from the effective date of the sanction in cases where claimants have a sanction on their claim which may last for four weeks or more (for FTA or FTP the mandatory interview/intervention, or failure to undertake WRA). This is for the Customer Compliance Team to extract the appropriate information from the legacy system and initiate Claimant Compliance investigation action.

50. In JA530: Case Controls:

- Insert type 'U' for user set.
- Insert reason as 'Customer Compliance Risk - E.'
- Insert section as type '7' for visits.

51. When the Case Control matures, complete FRF. Do not refer to Customer Compliance if the claimant was sanctioned for less than 4 weeks.

Note: When completing the FRF, the source of the referral should be recorded as 'Risk - E', the Offence as 'Customer Compliance Risk Case' and claimants address to be entered in full, including correct postcode..

Third party Deductions

52. If after applying a sanction, there is insufficient ESA in payment to continue all or some of any existing third party deductions consult your specialist third party deductions team for the appropriate action to take.

Claimant Re-complies

53. Re-compliance means the claimant has done the activity required e.g. attended an interview, or agreeing to do the activity may count e.g. contact the Jobcentre to rearrange an interview.

54. Where a claimant subsequently re-complies the work coach notifies the CSO CM BC immediately on form JCP27 so that the claimant's ESA can be reassessed.

55. If there has not yet been a determination on the original failure, the JCP27 is sent to the LM DM.

56. Where a claimant on the WP complies, the Provider sends form WP09 to the LM DM who takes action to ensure DMAS/LMS is updated then issues a

DMAS notification to the CSO CM to end the sanction. For further information ESA – Claimants – DMAS activity to take upon receipt of WP09.

57. On receipt of the JCP27/WP09, check JSAPS to see whether a sanction has been entered onto the system. If a sanction has been imposed the open-ended element is lifted from the first day of the benefit week in which the claimant re-complied, and an additional 1, 2 or 4 weeks is added for the appropriate fixed term period.

Note: Where the claimant re-complies within the same benefit week as the failure determination is made, the appropriate fixed term period will be imposed from the start of the same benefit week (there is no open-ended period if the claimant complies within a week of the failure).

Lifting the Sanction on JSAPS

58. The following system action must be taken:

Step	Action
1	<p>Upon receipt of the JCP27 or DMAS template/notification access <u>dialogue JA210</u> and input an end date on the appropriate sanction decision. The end date will be the final date in the benefit pay week before the claimant re-complied, plus 1, 2 or 4 weeks for the appropriate fixed term period as recorded in JA110 notepad.</p> <p>See <u>Sanctions</u>.</p> <p>Note:</p> <ul style="list-style-type: none">• If the sanction being lifted is on a <u>pre- 3 December 2012 failure</u>, the fixed term period is not applicable.• If the claimant's participation in the Jobcentre Plus Offer becomes voluntary e.g. placed in the <u>Support Group</u> the sanction should end the day before, and the fixed term period is not applicable.• If the claimant <u>completes the Work Programme</u>, the sanction should be lifted from the first day of the benefit week in which the WP end date falls, and the fixed term period is not applicable.
2	<p>Reassess the award from the relevant benefit week using <u>dialogue JA200</u> and <u>dialogue JA405</u>.</p> <ul style="list-style-type: none">• This triggers a system notification to the claimant advising them that the sanction decision has been changed.

	<ul style="list-style-type: none"> • For clerically maintained claims, complete form ESA14P, noting it in red 'claim revised because – reason why – from dd/mm/yy to dd/mm/yy'
3	<p>In <u>dialogue JA110 notepad</u> add “Re-complied on **/**/** [insert date re-complied]” to the appropriate original sanction decision note.</p> <p>Or, if appropriate, add a note stating - Pre 3 December 2012/ date participation became voluntary (e.g. 'Claimant placed in SG on **/**/**) /date WP completed, and fixed term period not applicable.</p>

How the fixed term period is calculated

59. The following examples demonstrate how the fixed term period is calculated by the Local Market Decision Maker (LM DM). The LM DM calculates the fixed term period using the date of determination.

Example 2

Jean FTA her NJWFI on 07/02/16.

This is her first failure.

Jean's benefit payday is Wednesday (her last payment was on 06/02/13).

Date of determination (by DM) is 18/02/16.

ESA is reduced from 14/02/16 (first day of the benefit week in which the determination is made).

The LM DM states that the fixed term period of the sanction will be for one week as there are no previous sanctions within 52 weeks.

Note: failures prior to 03/12/16 do not count.

Jean rang on 21/02/13 to rearrange her NJWFI.

NJWFI rearranged for 22/02/16 and Jean attended this interview.

Date of re-compliance is 21/02/16.

The open-ended period is lifted from 21/02/16 (the start of the benefit week in which the claimant re-complies).

The one week fixed term period is applied from 21/02/16 – 27/02/16.

Example 3

Jean then FTA a Flexible Intervention on 16/07/13.

Her 52 week period starts from 16/07/13 (the date of failure) and ends 52 weeks previously on 18/07/13.

Note: failures prior to 03/12/12 do not count.

Jean's last payment was on 24/07/13.

Date of determination is 24/07/13.

ESA is reduced from 25/07/13 (from the first day of the benefit week after the claimant was last paid).

The LM DM states that the fixed term period will be for two weeks (because there is only one sanctionable failure in the previous 52 week period – the one on 07/02/13).

Jean telephoned on 26/07/13 to rearrange the Flexible Intervention.

This is rearranged for 29/07/13 and Jean attends.

Date of re-compliance is 26/07/13.

The open-ended period is lifted from 25/07/13 (the start of the benefit week in which the claimant re-complies).

The two week fixed term period is applied from 25/07/13 – 07/08/13.

Example 4

Jean FTA a further Flexible Intervention on 21/02/13.

Her 52 week period starts on the date of failure and ends 52 weeks previously on 23/02/13.

Jean's last payment was on 19/02/13.

Date of determination is 03/03/13.

ESA is reduced from 27/02/13 (first day of the benefit week in which the determination is made).

The LM DM states that the fixed term period will be for four weeks (because the most recent failure within the previous 52 weeks incurred a two week fixed period.).

Jean telephoned on 28/02/13 to rearrange the Flexible Intervention.

This is rearranged for 03/03/13 and Jean attends.

Date of re-compliance is 28/02/13.

The open-ended period is lifted from 27/02/13 (the start of the benefit week in which the claimant re-complies).

A four week fixed term period is applied from 27/02/13 – 26/03/13.

For further examples see DMG Memo 41/12.

Claimant has existing sanction under pre 3 December 2012 sanctions regime

60. Employment Support Allowance claimants cannot be sanctioned under the new regime (from 3 December 2012) whilst there is a sanction in place under the old regime (pre 3 December 2012, 50% or 100% reduction to the WRAC).

61. Where a claimant FTA or FTP in a mandatory interview/intervention or fails to undertake WRA, the work coach or LM DM will check JSAPS to establish if claimant has a reduction to the WRAC under the pre 3 December 2012 regime. If so, no further action is required as the claimant cannot be sanctioned under the new regime until the existing sanction has ended.

62. Do not impose a sanction if a DMAS template is received and there is already an existing sanction under the pre 3 December 2012 regime. The DMAS template must be returned to the LM DM annotated "Unable to action - claimant has existing sanction under the pre 3 December 2012 regime".

63. Record the reason for return of the DMAS template in JA110 notepad.

64. If a pre 3 December 2012 sanction is to be lifted the adviser notifies the BC on form JCP27. The date of transgression box will be left blank, and the inappropriate wording about the open ended sanction struck through.

65. Fixed term periods do not apply where a pre 3 December 2012 sanction is lifted.

Claimant moves into Support Group/Participation in the Jobcentre Plus Offer or Work Programme becomes voluntary

66. If a claimant's participation in the Jobcentre Plus Offer or Work Programme becomes voluntary, for example they are placed in the Support Group, they are not required to attend mandatory interviews or undertake WRA. Therefore, the sanction must be lifted and the fixed term period is not applicable.

67. Take action to end the sanction in JSAPS on the day before the claimant's participation became voluntary e.g. day before placed in the Support Group.

68. If the claimant's participation becomes mandatory again e.g. they move back into the WRAG, the sanction remains lifted.

Work Programme completed

69. If a claimant completes 104 weeks of the Work Programme (WP) any mandatory WRA requirements cease and any outstanding sanctions must be ended. The fixed term period is not applicable.

70. The work coach notifies the Benefit Centre immediately on form JCP27, annotated 'The claimant completed WP' in the info box at part 2.

71. Take action to lift the sanction in JSAPS from the first day of the benefit week in which the WP end date falls, the fixed term period is not applicable.

Claim ends whilst sanction in place

72. If an Employment Support Allowance (ESA) award ends whilst a sanction is in place, the sanction will be lifted.

73. Take the following action when terminating an ESA award whilst a sanction is in place:

Use the award termination date as the end date of the sanction.

Repeat claims

74. When a claimant makes a new claim for Employment Support Allowance, any previous claims must be checked for sanctionable failures and sanctions. This is because sanctions that occurred on previous claims may affect the length of any new sanctions (if they have occurred within 52 weeks).

Partners

75. Where the Partner fails to participate in a mandatory interview/intervention an amount equal to 20% of the personal allowance component of Income Support for a person 25 years or over can be applied. This should be applied using exceptional condition 15: Change to personal allowances.

Note: A sanction for Failure to Undertake WRA cannot be applied to a partner unless they are entitled to ESA(C) in their own right).

76. Where a partner subsequently re-complies the work coach/provider notifies the Benefit Centre immediately so that the claimant's ESA can be reassessed.

77. The end date of the sanction input in dialogue JA210 is the final date in the benefit pay week before the week in which the partner has re-complied.