

## Chapter 8 - Raising a Compliance Doubt for LTU participants

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## Raising a compliance doubt that attracts a Low/Lower Level sanction

**Please note** - For UC participants the activity attracts a Low Level sanction and for JSA participants the activity attracts a Lower Level sanction.

**Sanction** - A benefit sanction is a penalty imposed on a benefit participant by the Department of Work and Pensions (the Department). It is a decrease or loss of a benefit when someone without good reason has not met conditions imposed by the Department.

**Please note** - This chapter should be read in conjunction Provider Guidance; Chapter 5a, Mandation to activity attracting a Low/Lower Level sanction and Chapter 5b, Mandation to activity attracting a Higher Level sanction).

1. When you mandate a participant to an activity and they fail to carry out the activity, you must raise a compliance doubt on the appropriate referral form. For a compliance doubt referral attracting a low or lower level sanction, the appropriate referral form for JSA participants is the [WHP08](#), and the appropriate form for UC participants is the [UC193 \(WHP\)](#).
2. One [WHP08 /UC193\(WHP\)](#) compliance doubt referral form must be completed per participant for each instance of failure to carry out the activity.

### Actions

- Complete a compliance doubt referral form and include any supporting evidence, for example volunteered participant statement, re-compliance activity (Universal Credit participants only), relevant supporting information from the Mandated Activity Notification (MAN). If you have been notified/identified that the participant has complex needs and/ or additional support requirements, note what these are and steps you have taken to address any impact these may have had on the participants ability to understand the mandation requirements and consequences of non-compliance. All supporting evidence must be noted on the [WHP08 / UC193\(WHP\)](#) no additional documents should be included.
- Keep a record of the rationale on why you are raising a compliance doubt

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- Complete [WHP08 /UC193 \(WHP\)](#) and send form by unencrypted email to your linked Benefit Delivery Centre (BDC) or UC Service Centre or
- Complete referral form and send clerically.

### Consequences

- **If you do not consider and address the impact of a participant's complex needs and/or additional support requirements, this may result in a sanction being imposed where the participant has not understood the mandatory requirement or sanctionable consequences.**
  - If you do not agree a re-compliance activity for Universal Credit participants you may unnecessarily prolong their loss of benefit payments.
  - If you do not complete the WHP08/UC193 (WHP) where appropriate this will result in a compliance monitoring failure if the referral is selected.
  - Where you fail to undertake the referral form process timeously, the link between cause and consequence will be weakened.
  - If you do not include all the relevant information on the referral form, this could result in cancellation of the compliance doubt and MI possibly showing a high rate of cancelled decisions.
  - If you do not raise a compliance doubt where appropriate the participant may continue to fail to engage with the programme.

## Making the Refusal of Employment (RE) DMA referral that attracts a Higher Level sanction – JSA/UC participants

3. When you mandate a participant to a suitable job vacancy and they refuse/fail to apply for or take up that vacancy, you must undertake the actions below before completing the WHP [PRE01](#) RE referral form for JSA participants or [UC191](#) for UC participants.
4. Additionally for UC participants when you mandate a participant to employment and they, by reason of misconduct, or voluntarily and for no good reason, cease paid work or loses pay you must undertake the actions below before completing the [PRE01](#) or [UC191](#).
5. One compliance [PRE01](#) or [UC191](#) as appropriate must be completed per participant for each instance of refusal/failure to apply for, or take up employment, or for misconduct/voluntarily cease paid work.

### Action:

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6. Before you complete the [PRE01](#) or [UC191](#):
  - ensure the suitability of the vacancy (you will have undertaken this action as part of your original considerations prior to mandation but you 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)
  - should the Department have in place a mechanism to enable suppliers to check a participant's status before referral to the DWP Labour Market and Decision Making team, the supplier will be required to make use of this.

### Consequence

If you mandate the participant to an opportunity that is not reasonable in their circumstances, a compliance doubt referral may be cancelled by the UCDM/LMDM.

7. Complete relevant form and send by unencrypted email to your linked Benefit Delivery Centre (BDC) or UC Service Centre, see [Completing and sending the referral form by unencrypted email](#).

## UCDM/LMDM notifies provider and participant of the sanction outcome

8. You will receive a copy of the outcome of the compliance doubt or refusal of employment either by unencrypted email or by post. You will receive notifications by post for SCR and MAPPA participants. This will depend on the method you are using to send the referral – see [detailed background and further information](#). This is irrespective of whether the participant has had a sanction imposed or not.
9. 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.

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- Record the outcome decision as this may be needed for evidence to support any further referral form referrals.

### Consequence

Any failure to take note of UCDDM/LMDM feedback or the referral outcome may adversely affect your ability to engage with the participant.

## Detailed background and further information

### What is the relevance of Decision Making and Appeals (DMA) in the Work and Health Programme?

13. When a participant in receipt of JSA takes part in the Work and Health Programme (WHP), they are taking part in a scheme prescribed by law under the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Amended Regulations 2017. A participant in receipt of UC and mandated to attend the WHP is taking part in a work preparation requirement under section 16 of the Welfare Reform Act 2012.
14. It is a programme designed to help participants enhance employment prospects and gain opportunities to develop skills and disciplines associated with a working environment. DMA is used to support you (via compliance doubt process) to encourage participation in the programme with sanctionable consequences for non-compliance.

### Provider considers if LTU Participant has complex needs and/or additional support requirements

15. For all activities that the Participant is mandated to do, you should always consider if they are reasonable for that Participant and their particular circumstances and capabilities. Further information can be found in the WHP Provider Guidance; Chapter 6, Working with participants with complex needs and/or additional support requirements.

### Identifying a Participant with complex needs and/or additional support requirements

16. To assist in your identification of a Participant with complex needs and/or additional support requirements you should use any information provided

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by Jobcentre Plus, and information from meetings and communication you have already had with the Participant

17. It is advisable to regularly review a Participant's complex needs and/or additional support requirements as this may change during their time on the WHP. You will need to ensure that you have appropriate systems in place to identify participants in these circumstances and take appropriate action to ensure their understanding of what is required prior to considering whether to mandate them.

**Please note - The measures you are required to undertake for participants with complex needs and/or additional support requirements are in addition to your legislative requirements regarding those participants.** Further information regarding your legislative requirements can be found in [Chapter 2 of the Generic Provider Guidance](#).

### Consequence

If you fail to identify a Participant with complex needs and/or additional support requirements you will not be taking due consideration of that Participant's welfare.

## Raising a compliance doubt that attracts a Low/Lower Level sanction

### Failure to take part in the Work and Health Programme

18. A Participant who, without good reason, does not attend mandated activity or who does not take part fully or who is asked to leave because of inappropriate behaviour will have failed to comply. This may be where they do not attend a mandated activity or refuse to take part fully. This could also include where they leave voluntarily or are asked to leave due to inappropriate behaviour.

19. Participation can be given a very broad meaning as the Participant is informed when selected to participate in the WHP 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.

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20. 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**

21. Failure to participate in the WHP will not be sanctioned if the Participant can show good reason. 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 UCDM/LMDM will take account of all of the facts of the compliance doubt before coming to a decision.
22. Do not ask the Participant for a good reason to determine whether or not to raise a referral form. If the exceptions do not apply ([see paragraph 2](#)), you must raise a compliance doubt referral once the Participant has failed to carry out a mandated activity, irrespective of whether or not they have offered an explanation afterwards. The UCDM/LMDM will consider the reasons given and make the good reason decision.
23. Once a compliance doubt referral has been raised, the Participant will be asked by the UCDM/LMDM to provide good reason for not complying. Although in some cases you may have recorded the reason for the Participant not complying, the UCDM/LMDM will still ask the Participant for good reason for not complying.
24. The UCDM/LMDM will take into account all of the circumstances and evidence presented and will determine whether or not there was good reason for failure to take part in the WHP.
25. The UCDM/LMDM should also consider any previous history of the Participant's failure to take part in the WHP. This behaviour may be relevant as evidence of credibility of the evidence that has been presented to support good reason on this occasion.
26. It is therefore important that you also provide any information in the compliance doubt that may provide additional background.
27. There is no time constraint for a Participant to show good reason. The UCDM/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.

### **For example:**

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28. A Participant was issued with a request for good reason today. The UCDM/LMDM is aware that the Participant lives in a remote area where postal delays are well known and therefore the UCDM/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 UCDM/LMDM makes a decision to disallow on the basis that the Participant has had a reasonable length of time to reply.
29. However, information which is received late by UCDM/LMDM, but merely serves to verify or clarify evidence which was received, can be taken into account.
30. It is therefore important that if you receive any volunteered information from the Participant relating to the compliance doubt after the referral form has been sent, you communicate this to the UCDM/LMDM Administration Team in your linked BDC site or UC Service Centre. There is no specific form/template for this process.

**Please note** - Any additional information must not be communicated by unencrypted email. Any additional information must be communicated to the UCDM/LMDM by letter or telephone, as agreed locally.

### Good Reason and MAN/MEN letters

31. You should not include a copy of the MAN/MEN with the [WHP08](#) or [UC193 \(WHP\)](#) as appropriate. However, you are required to keep copies of the MAN/MEN available as you may be asked to provide a copy if the Participant is sanctioned and disputes the decision.
32. Before the UCDM/LMDM considers whether the Participant failed to take part without good reason, they have to be satisfied the Participant was correctly notified. The relevant information on MAN/MEN is normally recorded on the [WHP08](#) or [UC193 \(WHP\)](#) as appropriate for evidentiary purposes and in the majority of cases this will be enough to satisfy the requirement.
33. However, if the Participant raises the MAN/MEN as an issue in their good reasons then the UCDM/LMDM will require a copy of the MAN/MEN, for example, where 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 UCDM/LMDM will require the MAN/MEN as evidence to support the appeal submission and this is the guidance that appeals officers are given.



## **Making the Refusal of Employment (RE) DMA referral that attracts a Higher Level sanction – JSA/UC participants**

34. **For JSA** – You, your employees and subcontractors will be designated as Employment Officers (Emp Os) for the purposes of section 19(2)(c) of the Jobseekers Act 1995. This will enable you to mandate LTU participants to apply for and accept, if offered employment and refer LTU participants for higher Level sanctions (13, 26 and 156 week sanctions) should they fail to apply for or accept it, if offered that employment.
35. **For UC** - You, your employees and subcontractors have been delegated authority (the power to “contract out” s.24(4) SSWP functions is contained in Section.29 of the Welfare Reform Act 2012) which enables you to mandate LTU participants to apply for and take up employment opportunities and refer LTU participants for higher-level sanctions (91, 182 and 1095 day sanctions)
36. This means that a failure can be a sanctionable failure at the higher level where a LTU participant without a good reason fails to apply for or accept an offer of employment which an Employment Officer/ or a person with delegated authority has informed him is vacant or about to become vacant. An Employment Officer/ or person with delegated authority therefore means:
- any person who is employed by you as a Prime Contractor (including for example contractors and temporary employees) 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 temporary employees) and who is employed by the Approved Sub-contractor to perform your (as the Prime Contractor's) obligations under your contract.
37. These delegated authorities mean you can mandate LTU participants to apply for and take up offers of appropriate employment opportunities. This may include:
- making an application for an advertised vacancy (for example sending a letter/e-mail with an attached CV)
  - contacting an employer in relation to an advertised vacancy, attending an interview.
38. You will make a Refusal of Employment Decision Making and Appeals (RE DMA) referral direct to a DWP UCDDM/LMDM team where you have mandated a LTU Participant to apply for or take up suitable employment and the LTU Participant subsequently:
- refuses to apply for a particular job
  - fails to apply for a particular job

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- fails to attend an interview for that job
- refuses to accept a job which was offered
- fails to be offered a job due to their inappropriate behaviour.

**Please note** - Having Employment Officer/delegated authority status does not give you the power to decide whether a sanction applies and/or whether a LTU Participant can show good reason for any failure. That decision is made by a UCDM/LMDM and this should be made clear to the LTU Participant at all times.

39. If the UCDM/LMDM decides a sanction is appropriate the LTU participant's benefit will be stopped (or will be reduced, depending on their circumstances) for:

- 13 weeks for JSA or 91 days for UC
- 26 weeks for JSA or 182 days for UC if DWP have previously decided on one occasion, that the LTU Participant's benefit should be sanctioned because they committed any of the failures listed above, within 52 weeks (but not within two weeks) of their current failure
- 156 weeks (three years) for JSA or 1095 days for UC if DWP have previously decided on two or more occasions, that the LTU Participant's benefit should be sanctioned because they committed any of the failures listed above, within 52 weeks (but not 15 days), of their current failure, not including any pre-claim failures.

### Completing and sending the referral form

40. The referral form will be sent by unencrypted email or post. You will only send and receive notifications by post for SCR and MAPPA participants.

### Before you or your sub-contractors begin using unencrypted email

41. DWP Operational Security have agreed an exemption to the DWP standard security requirements to allow you and your sub-contractors to send the referral forms to the UCDM/LMDM Administration Team in your linked BDC or UC Service Centre and receive decision notifications back from them, via unencrypted email (you must have DWP permission to use the process)

42. Only those sub-contractors who have been formally approved as sub-contractors by DWP may use unencrypted email to send referral forms.

43. Before you or your sub-contractors begin to send referral forms via unencrypted email, you must have provided your DWP Performance Manager and your linked BDC Single Point of Contact (SPoC) or UC

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Service Centre with the SPoC names, contact details and generic inbox addresses for you and your sub-contractors whom you have permitted to use the unencrypted email process, and agree the date from which you and your sub-contractors will begin to send referral forms via unencrypted email with both your DWP Performance Manager and linked BDC SPoC or Service Centre SPoC.

44. If you wish to allow a new sub-contractor to begin to send referral forms via unencrypted email, you must provide your DWP Performance Manager and your linked BDC SPoC or UC Service Centre SPoC with their SPoC name(s), contact details and generic inbox address(es) and agree the date from which the new sub-contractor will begin to send referral forms via unencrypted email with both your DWP Performance Manager and linked BDC SPoC or Service Centre SPoC.
45. 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 or UC Service Centre SPoC of the date you wish this change to be effective from as soon as possible. You should agree with your linked BDC SPoC or UC Service Centre SPoC whether any outstanding decisions will either be sent to an alternative inbox address or returned clerically to an address you choose.

### Completing the referral form

46. When completing the referral form, ensure all relevant information from the MAN or MEN is included on the referral form (especially supporting information, for example volunteered Participant statement, background information - as appropriate).
47. **If you have been notified/identified that the Participant has any complex needs and/ or additional support requirements, explain what these are, the steps you have taken to address any impact these may have had on the participants ability to understand the mandation requirements and consequences of non-compliance.**
48. When making a RE DMA referral, you must use the [PRE01](#) or [UC191](#) referral form template in Work and Health Programme Provider Guidance
49. A copy of the MAN or MEN or other documents is not required. No documents may be attached to the referral form, all relevant information must be noted on the form itself.
50. Please be aware that it is a key security requirement that only one referral form must be included per email. You cannot, for example, include several referral forms for the same Participant in one unencrypted email.

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51. Ensure that the correct email address for the return of the sanction decision is included in the referral form.

**Please note - This must be the generic inbox address that the decision notification is to be emailed to, not the individual adviser address.**

52. The Provider Correspondence address should be the postal address to which any queries or further correspondence should be sent by the UCDM/LMDM.

### Emailing the referral form

53. For JSA participants the referral form must be emailed to the designated email address of the LMDM administration team in your linked BDC.

54. For UC participants email the compliance doubt referral form to Universal Credit Service Centre by using the correct designated email address: [Uclmdma.provider@dwp.gsi.gov.uk](mailto:Uclmdma.provider@dwp.gsi.gov.uk)

**Please note** - If you are currently using post as a contingency or for SCR/MAPPA participants you will need send these securely to the Mail Opening Unit at:

**Universal Credit  
Post Handling Site B  
Wolverhampton  
WV99 1AJ**

### Standard E-mail Content

55. Each email must never contain more than one referral form per email.

56. Each email must contain only the following standard content:

57. Standard wording to be displayed in email 'Subject Box':

- Name of referral form
- Participant's surname
- National Insurance Number – only last three characters.

58. Standard wording to be displayed in email 'Narrative Box:'

- Sender contact details.

59. Email attachment:

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- Completed referral form.

**Please note** - No other information may be transmitted by unencrypted email.

60. 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.
61. It is important that the referral form is completed and sent as soon as possible, to ensure that there is a clear link in the LTU participant's mind between failure to carry out a mandatory activity and the sanction that can be applied.

### Clerical contingency

62. 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 or UC Service Centre.
63. In these circumstances you must ensure that your linked BDC/UC Service Centre SPoC is kept informed of the situation and how long you anticipate it lasting.
64. If you anticipate the situation will continue for 48 hours or longer you must revert to making clerical Failure to take part in the WHP DMA referrals until the problem is resolved and you are able to use the unencrypted email referral route again.
65. Your linked BDC/UC Service Centre 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.
66. If the BDC/UC Service Centre is unable to email decision notifications to you due to circumstances such as IT failure, your linked BDC/UC Service Centre 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/UC Service Centre SPoC may ask you to temporarily stockpile any referrals to avoid the BDC/UC Service Centre inbox becoming overloaded when the system becomes available again. If it becomes apparent that the problem may continue beyond 48 hours, your linked BDC/UC Service Centre SPoC will contact you to request that you revert to making clerical referrals until further notice.

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### Completing and sending the referral form clerically

67. When you have identified a compliance doubt you must complete a referral form.
68. When completing the referral form, ensure all relevant information from the MAN or MEN is included (especially supporting information, for example volunteered Participant statement, background information as appropriate).
69. A copy of the MAN or MEN is not required. No additional documents should be attached to the referral form; all relevant information must be noted on the form itself.
70. You should print out the referral form and send securely to the LMDM Administration Team in your linked BDC/UC Service Centre. Further information regarding sending documents securely can be found in [Generic Provider Guidance Chapter 8 - Information Security](#).
71. You must ensure the correct address is included for the return of the sanction decision.
72. The UCDM/LMDM will make decisions in the date order the doubts are received. This could mean sanctions may be imposed immediately after one another.
73. Therefore it is important that you:
- Send daily (if possible) or as soon as is possible after the date of failure to take part in the WHP – ensuring the link between cause and consequence is maintained
  - Avoid batching referral forms – batching over a period of time until you have a self determined quantity to send could mean a delay between date of failure to take part in the WHP and UCDM/LMDM receipt, and will impact on UCDM/LMDM resource
  - Include the name and contact phone number of the advisor who completes the referral form, to allow the UCDM/LMDM Administration team to quickly contact them should the need arise
  - Ensure that you inform your DWP Performance Manager of any changes relating to you or your sub contractors, as this will impact on how you communicate to your linked BDC/UC Service Centre.
74. These factors could individually/collectively contribute to delaying a sanction decision being made.
75. It is important to note that the relevant information for the MAN/MEN should be transposed onto the referral form rather than the forms

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themselves being attached. This is because the UCDM/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/MEN in order to show good reason.

76. For example: a LTU Participant is notified that they are required to carry out a WHP activity. They fail to carry out the mandated activity and explain the reason why they did not attend the activity was because they thought that they would not gain the skills that they thought they needed. The UCDM/LMDM considers whether this is good reason for the Participant not carrying out the activity. The UCDM/LMDM need not consider the notification issue; it can be assumed that the Participant was correctly notified.

### Special Customer Records

77. If the LTU Participant is identified as having a Special Customer Record (SCR) (Further information can be found in the WHP Provider Guidance; Chapter 3, Acknowledging Referrals, Initial Participant Engagement and Registering a Start), the completion of the form remains clerical (even if you use unencrypted emails or alternative I.T. solution). These LTU 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 LTU participants and those LTU participants with MAPPA status will remain clerical.
78. Your Nominated Officer should complete the form, ensure that 'SCR LTU Participant' is marked clearly and securely send to the Nominated Officer in the relevant UCDM/LMDM Administration Team.
79. All information on SCR LTU participants whether received from Jobcentre Plus or generated by yourselves must be stored securely at all times. For further information please refer to Generic Provider Guidance, [Chapter 8 – Information Security](#).

### Information volunteered after the referral is made

80. If you receive volunteered information from the LTU Participant relating to their refusal or failure to take part or apply for a vacancy after the referral form has been sent (for example they state that they subsequently applied) you must communicate this to the designated UCDM/LMDM Administration Team in your linked BDC site or UC Service Centre. There is no specific form/template for this process.

**Please note** - Any additional information must be communicated to the UCDM/LMDM by letter or telephone, as agreed locally.

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81. Where the referral form is not correctly completed or unclear, the UCDM/LMDM may contact you for further information. It is important you ensure correct contact details are included on the referral form.

**Please note** - Any additional information requested by the UCDM/LMDM must not be sent to them using the unencrypted email process. The security exemption permitting the transmission of the referral form does not cover the transmission of any other information.

82. The UCDM/LMDM will make decisions in the date order the doubts are received. This could mean sanctions may be imposed immediately after one another. It is important that you:

- Avoid stockpiling referrals. This could cause delays between the Participants' failure to comply as mandated and the UCDM/LMDM receiving the referral for consideration. This will have a negative impact on UCDM/LMDM resource. Referrals should be sent to UCDMs/LMDMs daily or as soon as possible after the failure to comply as mandated. Include the name and contact phone number of the adviser who completes the form, to allow the UCDM/LMDM team to quickly contact them should the need arise.
- It is a key security requirement that only one form must be included per email. For example, you cannot include several referral forms for more than one Participant in one unencrypted email.
- No documents may be attached to the form; all relevant information must be noted on the form itself. A copy of the MAN, MEN or other documents is not required unless specifically requested by the UCDM.

83. If you wish to change any of the email addresses that you use for DMA correspondence you must contact DWP detailing your requirements. DWP will consider the request and then advise you further on what action to take. All new e-mail addresses must always be tested by DWP before you can use them to submit a sanction referral form or any other approved documentation.

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

### **UCDM/LMDM notifies provider and LTU Participant of the outcome**

85. 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 UCDM/LMDM to the designated email inbox address you noted on the referral form.



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86. When you have received the outcome notification of the compliance doubt, make a note against your Participant records.
87. For UC participants you are required to give the UC Participant opportunity to re-engage and therefore need to be aware of any pending decisions or decisions made. Further information can be found in the WHP Provider Guidance; Chapter 9, Re-compliance and Reviewing a Sanction.
88. 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 WHP improvement meetings.

### Referral Form returned with no decision

89. A referral form may be cancelled by the UCDM/LMDM and returned to you with the reasoning. This reason could be:
- When they find out that the LTU Participant was not in receipt of benefit at the point at which they failed to carry out the WHP activity. A decision notification detailing the change of circumstances will be sent to you as appropriate
  - Where a compliance doubt referral has been cancelled due to the WHP provider having the wrong customer address, the UCDM/LMDM will note the correct address on the decision letter.

**Please note** - The UCDM/LMDM will email a decision notification informing you of the cancellation.

### Rearranging a mandated activity prior to activity date

90. You do not need to complete a referral form if **prior** to the LTU Participant undertaking a mandated activity, they contact you because they are not able to undertake the activity and you have agreed to rearrange that activity. Further information can be found in the WHP Provider Guidance; Chapter 5a, Mandation to activity attracting a Low/Lower Level sanction and Chapter 5b Mandation to activity attracting a High Level sanction.

### JSA Hardship Provision

91. Where a sanction is imposed on a LTU Participant for either failure to take part in the WHP or due to a JSA entitlement doubt raised by Jobcentre Plus, their benefit will be affected for the period of the sanction.

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**Please note** - The sanction is only applicable to the LTU participant's 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).

However, if eligible the LTU Participant may be able to make a claim to hardship provision which if the claim was successful would make a hardship payment. Unless the LTU Participant is deemed as being in a vulnerable group (complex needs and/or additional support requirements) they will have to wait for 14 days before being eligible for hardship. The hardship payment will provide a reduced rate of benefit to provide a minimum level of financial support.

92. If a LTU participant asks about or requests information on JSA hardship provision you should direct them to their Jobcentre Plus office.

### UC Recoverable Hardship Payments

93. If a participant is sanctioned then they can apply for a recoverable hardship payment from Jobcentre Plus to help them to meet their immediate and most basic and essential needs, or those of a child or qualifying young person for whom they or their partner is responsible. They will not be awarded a recoverable hardship payment until they have met all of their work related requirements.

94. If a participant asks about or requests information on Hardship provision you should direct them to their Jobcentre Plus office.

95. Hardship payments are calculated on a daily basis based on 60% of the amount of reduction. A payment is made to cover a maximum of one month from the date on which the conditions for hardship are met (see paragraph 96 below), up to the point when a customer is next due to receive a payment. The customer must re-apply each at each assessment period, if they are still in hardship and a sanction (or combination of sanctions) extends over a number of assessment periods. The total amount they receive is recoverable once their UC award is no longer reduced by sanction apart from any month where the customer (or customers in the case of a couple) are placed in the No Work Related Requirements group due to high earnings. The hardship payments cease to be recoverable once the customer (or customers) have had monthly earnings in excess of their individual threshold for at least six months.

96. A participant whose UC award is subject to a Higher, Medium or Low level sanction can apply for a Recoverable Hardship Payment if they meet all the following conditions:

- They, or their sanctioned partner, are aged 18 or over

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- They have received a sanctioned payment (i.e. they cannot apply until they have actually received a reduced payment);
- They ( or their sanctioned partner) have met any compliance condition relating to an open-ended sanction relevant to them – which, for Work and Health Programme participants, will usually mean they have re-engaged and done what was asked of them on their Action Plan, the failure to do so being what led to them being sanctioned;
- They have submitted an application and accompanying information and evidence;
- They, or each member of a couple, accept payments are recoverable;
- They, or each member of a couple, have undertaken all their work-related requirements in the 7 days before applying for payment;
- A UCDM is satisfied the participant, and any children/qualifying young person they are responsible for, is in hardship because they;
- are unable to meet their immediate and basic and essential needs in respect of accommodation, food, heating and hygiene costs only;
- have made every reasonable effort to seek other sources of support to meet those needs; and
- Have made reasonable effort to reduce non-essential expenditure.

97. This means a Recoverable Hardship Payment will only start from the point a participant can show they are actually in hardship.

## Decisions, Reconsiderations and Appeals

98. 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.

99. If the LTU participant tells you they do not understand the reason for being sanctioned, you should advise them to request a statement of reasons of the decision from Jobcentre Plus within one month of the date of the decision.

100. If following the explanation, the participant does not agree with it, they can ask for it to be looked at again. In order to request reconsideration, the LTU participant should contact Jobcentre Plus within one month of the date on the letter. They should include within this request any additional evidence in support of the change of decision. Please note that a participant can request reconsideration without having had a statement of reasons.

101. If the LTU participant still believes the decision is wrong following the reconsideration, they have the right to appeal to an independent tribunal.

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The letter providing the outcome of the reconsideration will tell them how to do this. The appeal must be made within a month of date of the Mandatory Reconsideration notice and made direct to HM Courts and Tribunal Service. If you receive a request from DWP to supply evidence of mandation you must ensure you supply this within the timescales requested.

102. You should advise the LTU participant of the process and the timescales and direct them to the appropriate Jobcentre Plus office.