

## Chapter 9 - Re-compliance and Reviewing a Sanction

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### Jobseeker's Allowance (JSA) LTU participants

**Sanction** – A benefit sanction is a penalty imposed on a benefit claimant 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.

1. JSA LTU participants who have had a sanction imposed for failing to take part in the Work and Health Programme (WHP) cannot limit the length of their sanction by subsequently complying with the Provider's mandated requirements (re-compliance).

#### Actions

- Note the outcome on your systems.
- You must continue to engage with the JSA LTU Participant irrespective of the outcome.

### Provider considers that the UC Participant has met the compliance condition

**Please note:** it is vital you take the actions outlined in paragraphs 3-6 regardless of whether a sanction notification has been received.

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2. If a Participant has a low level sanction and they meet the DWP approved compliance condition, their open ended sanction period will end and a fixed term sanction period will be imposed. Further information can be found in the WHP Provider Guidance; Chapter 5a, Mandation to activity attracting a Low/Lower Level sanction.

### **Provider notifies Universal Credit Decision Maker (UCDM)**

3. It is for you to decide if the Participant has met the compliance condition. A Participant can successfully re-comply by completing the required action you notified to them. The re-compliance date will be the date before the Participant met the compliance condition.
4. When you are satisfied that the Participant has met their compliance condition you must complete the [UC194](#) - Request to Review a Sanction for Universal Credit form and send it to the UCDM straightaway.

#### **Please note -**

- Where a LTU Participant fails to comply with a mandatory requirement and contacts you to rearrange the appointment or activity it may not be possible to accommodate them on the same day. In this scenario the appointment or activity must be rearranged for as soon as possible afterwards. Provided that the LTU Participant subsequently attends and fully participates in the rearranged appointment or activity, the re-compliance date will be the date before they contacted you asking to rearrange
- After sending the [UC194](#), you will not be notified that the open ended element of the sanction has been stopped and that a fixed sanction period has been applied.

#### **Actions**

Decide whether the LTU Participant has either:

- Agreed to undertake the mandated activity or an alternative one that you mandate them to undertake.
  - Undertaken the compliance condition (where this is different to the mandated activity).
  - Is no longer required to undertake the mandated activity at that time.
5. Notify the UCDM by using unencrypted e-mail to send the relevant form to the designated e-mail address.

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6. Before sending the e-mail, ensure that the e-mail standards are complied with. See section 'Standard E-mail Content' below.

**Please note** - If you are unable to use unencrypted email, in exceptional circumstances such as complete IT failure, referrals by post will need to be sent securely to the Mail Opening Unit at:

Universal Credit Post Handling Site B Wolverhampton WV99 1AJ

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

### Consequence

If you fail to notify the Universal Credit (UC) Service Centre promptly when a Participant has met their compliance condition there may be a delay in the open-ended sanction being lifted. This will prolong the LTU Participant's loss of Universal Credit. Any delay in letting DWP know about a Participant meeting their compliance conditions may impact the claimant's ability to apply for hardship payments.

### Standard E-mail Content

7. Each e-mail sent by you to the UC Service Centre must adhere to the standard e-mail protocols listed below to comply with DWP security requirements.

Each email must contain ONLY the following standard content:

- a) Standard wording to be displayed in email 'Subject Box'
  - Name of relevant form
  - Participant's surname
  - NINO – only last 3 characters
- b) Standard wording to be displayed in email 'Narrative Box'
  - Sender contact details
  - Email attachment
  - One [UC194](#) form

Each e-mail must never contain more than one form.

**Please note** - It is important that you adhere to these standards. Further information can be found later in this chapter in the section 'Sending the the relevant form by Unencrypted Email'.

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### Detailed Background and Further information

#### Sanction periods

8. Your internal systems need to be robust enough to enable you to identify LTU participants you have raised a compliance doubt for.
9. You will need to distinguish between UC and non-UC (Jobseekers Allowance) referrals to identify the correct action to take. For UC referrals you must send re-compliance notifications even if a sanction decision has not yet been received.

**Please note** - You can only request a review of a Participant's low level UC sanction via the [UC194](#) form, if you have raised the compliance doubt.

#### UC Labour Market regime changes and changes to sanction periods

10. If a change to a Participant's circumstances results in a change to their UC labour market regime then their participation requirements may also change. If they have a sanction in place, this may also be affected. It is therefore important that you are aware of changes in the Participant's circumstances.

##### For example:

- If a UC Participant has an outstanding balance of any sanctions incurred whilst on JSA or ESA this will transfer to UC with them, (unless the sanction decision was made after the JSA/ESA award terminated) less any periods in between awards where they were not receiving JSA, ESA or UC.
- If a UC Participant is subject to a low level sanction and their UC award ends (other than by reason of a couple forming or splitting), the open ended element of the sanction will stop building when the claim terminates and the fixed period will be applied.
- If a UC Participant in the Intensive Work Search regime or Work Preparation regime moves into the No Work Related Requirements regime because of limited capability for work and work related activity then their sanction reduction rate will be reduced to nil. The open-ended part of any outstanding sanctions will end.

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### **Participant currently on a sanction**

11. When a Participant has met their compliance condition the open ended period of the sanction will stop on the day before the re-compliance date and the appropriate fixed period will start. Further information can be found in the WHP Provider Guidance; Chapter 5a, Mandation to activity attracting a Low/Lower Level sanction.
12. Due consideration should be given to participants you have identified or been notified as having complex needs and/or additional support requirements and any potential to meet their compliance condition should take into account their particular circumstances. Further information can be found in the WHP Provider Guidance; Chapter 6, Working with participants with complex needs and/or additional support requirements.
13. The open ended element of the sanction can also be terminated by the UCDM if the Participant moves into the 'No Work Related Requirements' group and is no longer required to undertake the mandated activity; or their UC award ends (other than by reason of a couple forming or splitting).

### **Participant has undertaken the agreed compliance condition**

14. It is your responsibility to decide whether the level of re-compliance by the Participant satisfactorily meets the compliance condition. You will also need to decide the date from which you consider that the Participant has fully complied.
15. If the Participant only partially meets the compliance condition, you will need to work with them and clearly explain what else they need to do in order to be fully compliant. Alternatively, due to the particular circumstances of the activity or of the Participant themselves, you may decide that partial completion is sufficient and request that the open period of the sanction be stopped.
16. If the Participant contacts you, as they are unable to undertake the compliance condition, you can decide to agree a different compliance condition from the pre-approved list. If the Participant complies with the revised compliance condition, the date of compliance is taken as the date that they contacted you.
17. If the compliance condition involves attending a meeting, compliance will normally be the date the Participant attends the meeting. However, if you are unable to accommodate the Participant on the day they make contact and you have to arrange the meeting for a subsequent date, the compliance date will be the date the Participant makes contact, provided that they attend the subsequent meeting. If the Participant does not attend

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the subsequent meeting, the open-ended period will continue to run from the date of the original failure until the Participant makes contact again.

### **UC Participant no longer required to undertake the mandated activity**

18. You may decide that you no longer require the Participant to carry out the mandated activity (original or compliance condition). This situation may arise due to a change in the Participant's circumstances, work goals or that it was a time bound activity (such as attending a specific job fair) and there are no alternative similar activities to undertake.
19. In this case the requirement to undertake the activity is removed. The [UC194](#) form must be completed and sent to the UCDM to remove the open period of the sanction.

### **Participant disputes not meeting compliance condition**

20. There may be instances when the Participant considers that they have now fully met the compliance condition which you have set for them but you do not consider that they have.
21. In cases where meeting the compliance condition is disputed and you cannot reach agreement with the Participant, you must immediately refer the matter to the UCDM on the [UC194](#) form as appropriate so they can review the case and determine whether the Participant has now fully complied.
22. You should tick the box 'I consider that the Participant has not fully complied' as the reason for referral on form. Enter the original date of sanction decision, dates of sanction and complete the fields in the 'Compliance disputed' section. You must then provide specific details of:
  - What the Participant was told to do and when
  - What the Participant did do or failed to do and when
  - Why you consider the Participant has failed to complete the activity
  - Why the Participant considers they have completed the activity
  - To complete the last field, you will need to make a note of what the Participant tells you.

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### Re-arranging a mandated activity prior to activity date

23. You do not need to complete a compliance doubt referral form [UC193 \(WHP\)](#) if prior to the Participant undertaking the mandated activity, they contact you because they are not able to undertake the activity. You can decide to re-arrange the activity. Further information can be found in the WHP Provider Guidance; Chapter 5a, Mandation to activity attracting a Low/Lower Level sanction.

### Provider notifies UCDM

24. When you have made the decision that the Participant has met their compliance condition you must complete the [UC194](#) form.
25. The [UC194](#) form needs to be sent straightaway to the UC Service Centre. Delays in this process will mean delays to the decision making process.

**Please note** - If you are using unencrypted email **any** additional information must not be communicated by unencrypted email. Any additional information must be communicated by letter and sent securely to the Mail Opening Unit at:

Universal Credit Post Handling Site B Wolverhampton WV99 1AJ

26. If the Participant re-complies prior to the UCDM making a decision on the original mandatory activity and notifying you, complete the [UC194](#) form and send it to the Service Centre immediately.

### Completing the Form

27. To ensure that the Participant suffers no undue loss of Universal Credit, the [UC194](#) should be completed and sent to the UC Service Centre immediately after you have decided that they have met their compliance condition. On the form, you must:
- Indicate the reason for requesting a review by selecting the appropriate reason(s).
  - Complete the date the Participant failed to undertake the original mandatory activity.
  - Determine the date of compliance and this date should be entered in the appropriate field.

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**Please note** - if you have ticked the box 'it is no longer appropriate for the Participant to undertake that activity', you should not complete the date of compliance.

- Enter the date that the sanction decision was made and the date of the sanction period. (You will find this on the original sanction decision notification, sent to you). This will enable the UCDM to identify the correct sanction to review.
28. The UCDM will accept your decision that the Participant has met their compliance condition and will set the start and end dates for the fixed period part of the sanction.

### **Sending the UC194 by Unencrypted Email**

29. Ensure:

- The completed [UC194](#) is sent to the correct designated e-mail address
- Each email must never contain more than one [UC194](#)
- No other information may be transmitted to the UC Service Centre by unencrypted email
- The [UC194](#) is sent from an inbox that was agreed by DWP. Do not use a personal e-mail address
- The 'Provider Address' field should contain the postal address to which any queries or further correspondence should be sent by Decision Makers.

### **Special Customer Records and MAPPA**

30. If the Participant is identified as a Special Customer Record (SCR) or they have Multi-Agency Public Protection Arrangements (MAPPA) status, the completion of the relevant form remains clerical (even if you use unencrypted emails). These participants must not have their details held on any electronic systems. The process for requesting a review of a sanction decision (or for raising a compliance doubt via the relevant form) will remain clerical for these participants.

Your Nominated Officer should complete the [UC194](#), clearly marked 'SCR Participant' and sent it securely to the Mail Opening Unit at Universal Credit Post Handling Site B Wolverhampton WV99 1AJ



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31. Further information can be found in Generic Provider Guidance [Chapter 8 – Information Security](#).
32. All information for these participants must be stored securely at all times.

### **Decisions, Reconsiderations and Appeals**

33. Further information can be found in the WHP Provider Guidance; Chapter 8; Raising a Compliance Doubt.