

# Chapter 10 - Change of Circumstances and Notifications

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### Background

1. As part of the Claimant Commitment, claimants have a responsibility to notify Jobcentre Plus of any changes in their circumstances. Therefore, you should remind participants of this if they tell you about any change of circumstances.

**Please note** - for ESA participants the requirement to notify Jobcentre Plus of any changes in their circumstances is established at the new claim stage, not via an ESA Claimant Commitment.

### Participant notifies provider of change of circumstances

2. You must notify Jobcentre Plus / Universal Credit Service Centre (UCSC) if the participant:
  - has disengaged with you (voluntary participants only)
  - has re-engaged with you following a disengagement (voluntary participants only)

### Actions

- Notify Jobcentre Plus of the change using the Change of Circumstances notification form (WHP 07) sent via unencrypted email.
- Where a participant informs you of any change of circumstance you must direct them to report the change to Jobcentre Plus.

**Please Note** - Some participants on UC have a journal, in these cases ask them to update their journal to report the change in circumstances rather than direct

them to Jobcentre Plus.

## **Background**

3. Further detail is provided in the detailed background and further Information Section.

### **DWP notifies provider of a change of circumstances**

4. It is essential that you are in regular contact with the participant to ensure you have the latest personal information for participants. However, DWP may also notify you of changes.
5. You may receive such notification of participant changes of circumstance via a number of routes e.g.
  - Jobcentre Plus offices will usually notify you of a change in the participant's circumstances by emailing (unencrypted email) change of circumstances form to the designated inbox address you notified to DWP or by an

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alternative I.T solution. For all participants this will be on a CEPD1 and will include notification of participant claim closure.

- You may receive some clerical notifications of change of circumstances form by post.
- Labour Market Decision Makers (LMDM) may notify you of specific change of circumstances on the sanction decision notifications that they send you.

**Please note** - All notifications for Special Customer Record (SCR) and Multi-Agency Public Protection Arrangements (MAPPA) participants will remain clerical notifications.

### Action

6. On receipt of the notification of a Participant's change of circumstances:
  - you must ensure that the Participant has been referred to you or your sub-contractors.
  - If you have received a change of circumstances form for a Participant who has not been referred to you or your sub-contractors, you must notify DWP of the error.
  - after notifying DWP of such an error, you must destroy the notification.
  - You may receive email notifications which breach DWP security policy on emailing third parties. When this occurs, you must notify DWP of the breach of the policy.
  - If you are satisfied that the Participant has been referred to you or your sub-contractors, you must accept the notification and
  - Review the change of circumstances and consider the impact on your engagement/support with the Participant, updating your systems accordingly.

### Consequence

Failure to review a change in circumstances may result in you providing inappropriate support for your participants or raise incorrect compliance doubt.

## Background

7. Further detail is provided in the detailed background and further information section below.

### **Labour Market Decision Maker (LMDM/UCDM) notifies provider of a change of circumstances**

8. The LMDM/UCDM will notify you of a participant's complex needs and/or additional support requirements if during their investigations they have established these.

## Action

9. Review the change in participant status and consider the impact on your engagement/support with the participant. Further information can be found in Chapter 6 - . Working with participants with complex needs and/or additional support requirements.

### **Consequence**

Failure to review and action a change may result in you providing inappropriate support for your participants. You may also cause extra work for you and LMDMs/UCDMs as your sanction referrals may be cancelled.

## Background

10. Further detail is provided in the detailed background and further information section below.

### **Easement for Victims of Domestic Violence**

11. Where a participant notifies Jobcentre Plus that they have been a victim of actual or threatened domestic violence, the Jobcentre will send you the change of circumstances form with the start date of the easement. When the easement ends, the Jobcentre will send you another so that you can resume engagement with the participant.

## Actions

- On receipt of notification that an easement applies, suspend your engagement with the participant. No sanction doubt should be raised if they

fail to undertake a mandated activity unless completion was expected before the easement was awarded.

- When you receive notification via change of circumstances form that the easement period has ended you should resume your engagement with the participant.

## **Background**

12. Further detail is provided in the detailed background and further information section.

## **Easement for Homeless Persons**

13. Where a person informs Jobcentre Plus that they are homeless the Jobcentre may decide to invoke an easement. Where this is the case you will be sent a Change of Circumstances form.

## **Background**

14. Further detail is provided in the detailed background and further information section.

## **Easement for participants who are members of the Territorial Army or Reserves Forces**

15. A member of the reserve forces (including the Territorial Army) is treated as being available for work when engaged in annual continuous training for a maximum of 15 days per calendar year. Such persons are also treated as actively seeking employment for any period during any week in which they are engaged in annual continuous training for at least 3 days, again up to a maximum of 15 days per calendar year.
16. Accordingly a member of the reserve forces must be excused attendance from the Work and Health Programme for a maximum of 15 days in any calendar year, where they are attending their annual training camp

## **Actions**

- Where a participant reports that they are due to attend their annual training camp, you should advise them that they are required to report it as a

change of circumstances to their local jobcentre office, before they attend the camp.

- On receipt of notification that an easement applies, suspend your engagement with the participant. No sanction doubt should be raised if they fail to undertake a mandated activity unless completion was expected before the easement was awarded.
- When you receive notification that the easement period has ended you should resume your engagement with the participant.

## **Background**

17. Further detail is provided in the detailed background and further information section.

### **Extended Period of Sickness (EPS) – Jobseekers Allowance participants only**

18. A JSA participant can have two periods of sickness of up to 14 days within a job seeking period. If a participant suffers a third or longer period of sickness, they

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can volunteer to stay on JSA for up to 13 weeks in a rolling 12 month period on an EPS.

### Action

- On receipt of the notification that the participant is on a EPS you must consider the participant's conditionality if you engage with the participant.

### Background

19. Further detail is provided in the detailed background and further information section below.

### Access to other DWP provision

20. A participant is not allowed to start on any other DWP contracted provision whilst on WHP, except for access to work.

## Detailed background and further information

### Participant notifies provider of change of circumstances

21. Where a participant informs you of a change of circumstance including those detailed below, unless otherwise stated you are to direct the participant to report the change to Jobcentre Plus.

**Please note** - Some participants on UC have a journal, in these cases ask them to update their journal to report the change in circumstances rather than direct them to Jobcentre Plus.

### Participant starts work

22. If a participant notifies you that they have started work (either paid or unpaid), you must direct the participant to report a change to Jobcentre Plus / UC Service Centre. This includes any part-time, voluntary or full time work.

### Participant becomes sick

23. If a participant notifies you that they are sick, you must direct the participant to report a change to Jobcentre Plus / UC Service Centre.
24. UC participants may have work search/ work availability requirements switched off, for a limited period, where they are unfit for work. During this time Jobcentre Plus Work Coaches have the discretion to continue to impose a work focused interview or a work preparation requirement. Any requirements need to be reasonable based on the participant's medical condition. Therefore, a



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participant's participation on the Work and Health Programme may not change, unless the Jobcentre Plus Work Coach decides that it is unreasonable to impose a work preparation activity or the requirements of their participation may change.

25. A UC agent will notify you of a change in the participant's circumstances and any restrictions on their participation on the Work and Health Programme.

### **Voluntary Participant stops Engaging with you (Disengagement).**

26. Disengagement – when a participant is no longer interacting with you for a continued period as agreed with your customer service standards (CSS).
27. You should notify Jobcentre Plus immediately when the participant has disengaged, on the relevant change of circumstances notification form sent by unencrypted e-mail, advising of the last date the participant engaged with you. This is important for UC participants in the intensive regime of the all work related requirements group as they are at risk of a sanction.
28. A Jobcentre Plus work coach will (mandate/invite) the participant to a Work Focused Interview and may discuss participation in the WHP. The Jobcentre Plus Work Coach will notify you of the outcome of this interview.
29. You must notify Jobcentre Plus on the relevant change of circumstances notification form sent by unencrypted e-mail when the participant re-engages with you.
30. You have a responsibility to endeavour to make contact and re-engage with the participant throughout this period.
31. If a Special Customer Record (SCR) participant has disengaged with you your Nominated Officer should complete the change of circumstances form, ensure that it is marked clearly that the customer is a SCR participant and send it to the Nominated Officer in the relevant Jobcentre Plus office by a secure postal service. If a non-benefit claiming participant disengages, you have a responsibility to endeavour to make contact and re-engage with the participant throughout this period and do not need to report this change to Jobcentre Plus. These participants will be identified on the PRaP referral; it is your responsibility to maintain accurate records to ensure this information is up to date.

### **Participant Death**

32. If the participant's representative notifies you that the participant has died you must direct the participant's representative to Jobcentre Plus / UC Service Centre to report the change.

**Please Note** - you should only note your records at this stage. Do not undertake any action to input an end date and complete reason until you receive confirmation of the Participant's death from Jobcentre Plus. If Jobcentre Plus becomes aware that the Participant has died they will contact you immediately by telephone and also notify you in writing. Once you receive the information from Jobcentre Plus you should update the relevant I.T. system. The actual date of death must be recorded and not the date that the notification of the participants death was received.

### **Participant changes email address**

33. If you have chosen to communicate with a participant via email and they report a change of email address to you, you should record this on your system, and direct them to report the change to Jobcentre Plus.

### **Provider notifies DWP of disengagement or re-engagement.**

34. A separate form for each Jobcentre Plus office/UC Service Centre must be sent on a daily basis by unencrypted e-mail, unless there are no changes to notify.
35. Any notifications you send Jobcentre Plus /UC Service Centre about a SCR participant should only be dealt with by your Nominated Officer who should always ensure that 'SCR participant' is marked clearly at the top of the form before sending it securely by postal service to the Nominated Officer in the relevant Jobcentre Plus office. Further information may be found in Generic Provider Guidance Chapter 2 - Delivering DWP Programme Provision

### **DWP notifies provider of a change of circumstances**

36. It is essential that you are in regular contact with the participant to ensure you have the latest personal information for participants. However, DWP may also notify you of changes.
  - You should bear in mind that a participant may be with you throughout the 456 calendar days duration of the Work and Health Programme and you should endeavour to work with them no matter what their circumstances. An exception is where Jobcentre Plus notifies you that a period of

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easement starts. When you receive notification that the easement period has ended you should resume your engagement with the participant.

- On receipt of the notification, before accepting it, ensure that the participant has been referred to you or your sub-contractors. If you receive a change of circumstances form for a participant who has not been referred to you or your sub-contractors, you must notify DWP of the error.
- After notifying DWP of the error, destroy the notification.

### Special Customer Records

37. Any notifications you receive from Jobcentre Plus about a SCR participant should only be dealt with by your Nominated Officer. Further information may be found in Generic Provider Guidance Chapter 2 – Delivering DWP provision and in WHP Provider Guidance in Chapter 14 – Validation.
38. All information on SCR participants whether received from Jobcentre Plus or generated by yourselves must be stored securely at all times. Further information is contained in Generic Provider Guidance Chapter 8 – Information Security.

### Participant moves to another geographical area

39. If a participant (regardless of participant group) changes address to one outside your contract package area they will remain your responsibility. It will be up to you to arrange appropriate support via yourselves and your strategic partners to deliver the service requirement until the end of their allotted time.

**Please note** – If a Long Term Unemployed (LTU) participant moves to Scotland, and whilst they remain in Scotland, they are no longer required to participate in the Work and Health Programme on a mandatory basis. However they may choose to continue participating on a voluntary basis.

40. The process for participants taking holidays differs depending on their benefit claim.
41. All Jobseekers Allowance (JSA) participant groups may take holidays within GB but must remain available for work. The participant will usually be expected to continue looking for work although they do have an opportunity to tell their work

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coach that they do not wish to do so, under regulations this can be allowed for a maximum of two weeks in any 12 month period.

42. There is no holiday easement in Universal Credit. Participants in the Intensive Work Search regime must continue to demonstrate that they are both searching for work and are available for work for the number of hours identified in their Claimant Commitment. The participant must also continue engaging in other work related requirements including the Work and Health Programme. You will be expected to continue to engage with them in the same way, disregarding any holiday, compliance doubts, where applicable, should continue to be raised if participants do not fully engage.
43. All Employment Support Allowance (ESA) participant groups are not limited to the amount of time they are allowed to spend away from home within Great Britain. They are not expected to notify yourselves or the Benefit Centre if they go on holiday.

**Please note** - For holiday purposes the term 'Great Britain' includes: England, Scotland, Wales, Shetland, Hebrides, Orkney, Lundy, Isles of Scilly, Isle of

Wight, Isle of Man and the territorial waters adjacent to Great Britain. 'Great Britain' does not include The Channel Islands for holiday purposes.

### **Participant is going outside Great Britain and Northern Ireland temporarily**

- 44. All JSA (IB) participants going outside GB and NI will have their claim for JSA closed for the period they are away.
- 45. JSA (Contributory (C) participants holidaying abroad will also have their claims closed.
- 46. If a JSA (C) participant moves abroad permanently, they may have the right to claim the remainder of their benefit in the country they move to Jobcentre Plus will inform you of this change.
- 47. ESA participants can go abroad for a period of up to four weeks and do not have to notify Jobcentre Plus that they are doing so.
- 48. IS participants can go abroad for a period of up to four weeks, but must notify Jobcentre Plus that they are doing so.
- 49. In some exceptional cases ESA can be paid to a participant whilst they are abroad for a period of up to 52 weeks. The participant has to request permission from DWP if they wish to do this.
- 50. If permission is granted you will be notified of this change.
- 51. You must note the dates the participant is away and continue engagement/support on their return home.

### **Participant's entitlement to benefit changes and/or Labour Market Regime**

- 52. Should a participant's entitlement to benefit/labour market regime change during their time with you, Jobcentre Plus will notify you of changes in conditionality/participation requirements.
- 53. It is important to bear in mind that the participant may remain with you throughout the 456 calendar days allotted time, unless they satisfy one of the

early completer reason criteria no matter what the change(s) in their circumstance.

## **Extended periods of sickness (EPS) – Jobseekers Allowance participants only**

54. A Jobseekers Allowance (JSA) participant can have two periods of sickness of up to 14 days within a job seeking period. If they suffer a third or a longer period of sickness, they can volunteer to stay on JSA for up to 13 weeks in a rolling 12 month period on an EPS.
55. The EPS is one continuous period of 13 weeks or less and cannot be split into separate periods. The 12 month rolling period is calculated from the first date of the EPS.
56. If the participant volunteers to continue on JSA during the EPS, they are able to stay close to the labour market with personalised conditionality and support tailored to their illness or health condition.
57. The EPS period may be covered by form JSA28 for up to 14 days. From day 15 or day eight, if the period of sickness was expected to last longer than two weeks, the participant must provide supporting medical evidence, for example, a fit note or Statement of Fitness For Work (SoFFW).
58. If supporting medical evidence is not provided the participant will be expected to be available for and actively seeking work to stay on JSA. Supporting medical evidence will be retained by the Jobcentre and the detail relating to a participant's conditionality will be recorded and notified to you on a Change of Circumstances form.
59. Once the participant decides to remain on JSA, the Jobcentre Plus Work Coach will interview them to agree their temporary conditionality. It may be that the Jobcentre Plus Work Coach allows them to be treated as actively seeking work,

for a short period of time at the beginning of the period, but they will be expected to increase their activity as they recover.

## Tailored Conditionality

60. If the participant elects to remain on JSA they will be treated as being available for work and capable for work for the whole duration of the EPS.
61. However, the participant can be required to look for work or undertake an activity designed to improve their job prospects or keep them in touch with the labour market.
62. In deciding whether the participant should undertake any activity, the Jobcentre Plus Work Coach will take into account:
- the participant's health condition.
  - what their Fit Note states.
  - likely duration of sickness.
  - their personal circumstances.
63. The Jobcentre Plus Work Coach will then decide whether:
- to remove the conditionality requirements completely for the whole duration of the EPS
  - to remove conditionality requirements completely for part of the EPS and the participant has limited conditionality for the remaining duration of the EPS
  - the participant has limited conditionality for the whole duration of the EPS.
- For example:** a participant with a six week fit note may have no conditionality for the first two weeks however as they recover they may have four weeks limited conditionality.
64. Tailored conditionality means replacing the conditionality requirements with a new set of temporary requirements which take into account the change in the

**Participant's** health condition and which are reasonable in light of their current personal circumstances.

65. The Jobcentre Plus Work Coach will:

- consider when the **Participant's** conditionality will be reviewed taking into account their health condition.
- notify you on a Change of Circumstances form of any change in conditionality.

### **Conditionality impact for Work and Health Programme Providers**

66. Following the Jobcentre Plus Work Coach assessment of the participant sickness, the Work Coach will decide to remove the participant's conditionality completely, that is no conditionality, or agree that the participant has limited conditionality.
67. The decision made by the Jobcentre Plus Work Coach on the participant's conditionality during the EPS will have an effect on how you engage with the participant.
68. The temporary conditionality requirements which take into account the participant's health condition do not affect their original Claimant Commitment.

### **No conditionality**

69. If the participant's conditionality is removed you must not mandate the participant to undertake any specified activities. However you may continue to engage with the participant during this period taking into account their circumstances.

### **Limited conditionality**

70. If the participant has limited conditionality you may contact the participant to discuss revisions to their action plan and agree what reasonable activities you expect them to do for the time they are under limited conditionality.

**Please note** - A participant's conditionality may change during the EPS. The Jobcentre Plus Work Coach will notify you if the participant's conditionality changes during EPS on a Change of Circumstances form.

71. When deciding whether activity is reasonable, activities set will need to be tailored to the health condition or illness and reviewed on a regular basis to



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ensure they remain appropriate to the participant as they recover or if their health deteriorates.

72. Whilst the **Participant** has limited conditionality they can be supported towards employment for the whole duration of the EPS. The **Participant** must not be mandated to take up work however they can be mandated to apply for a job or complete activities that are steps towards preparing them for work.

**Please note** - If the period of EPS overlaps a period where you have previously mandated the **Participant** to undertake specified activities a new notification may have to be issued to mirror amendments to the participant's action plan if they have limited conditionality. Alternatively if they have no conditionality the

notification will have to be withdrawn taking into account the **Participant's** circumstances.

## Notification to Work and Health Programme Provider

73. The Jobcentre Plus Work Coach will notify the provider on a Change of Circumstances form of:
- confirmation that the participant is on an EPS
  - the start and end dates of the EPS
  - details of their conditionality (whether No conditionality or Limited conditionality)
  - start and end dates of each conditionality period.
74. On receipt of the notification you should note your records of the dates of the EPS period and tailor your engagement with the participant taking into consideration any conditionality notified by the Jobcentre Plus Work Coach.
75. The Jobcentre Plus Work Coach will issue further Change of Circumstances forms during the period they are on EPS in the following circumstances:
- if further supporting medical evidence is provided
  - if the participant decides to end their claim to JSA
  - to notify you if the participant's conditionality changes
  - to notify you of the date when EPS ends and when the participant will be ready to continue with their normal action plan activities.
76. If you have not received another Change of Circumstances by the end date of the EPS you should contact the Jobcentre Plus Work Coach who will advise and issue Change of Circumstances form with the appropriate information.

**Please note** - If a participant brings a Fit Note to you, you must not accept the Fit Note and you should refer the participant to Jobcentre Plus.

## Health condition likely to last longer than 13 weeks

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77. At the point the health condition or illness looks likely to last more than 13 weeks the participant will be advised to claim Employment and Support Allowance (ESA) by the Jobcentre Plus Work Coach.
78. Where this is the case the Jobcentre Plus Work Coach will advise you by issuing a Change of Circumstances form. You should take the usual action to engage with the participant on a change in their conditionality. If the participant claims ESA they become a voluntary participant so any subsequent FTA would not trigger sanctions activity.

### **Participant no longer sick**

79. If the participant does not supply a further Fit Note, the Jobcentre Plus Work Coach will notify you on a Change of Circumstances form that the participant is no longer sick and has returned to their original conditionality. You may contact the participant to discuss their on-going support.

### **Participant is imprisoned**

80. Should the participant become imprisoned, they will remain on WHP for their allotted time.
81. It is important to review the change in circumstances and consider the impact of imprisonment on your engagement/support with the participant.

### **Mandatory participant moves from JSA to ESA**

82. Where you are notified that a mandatory JSA participant has ceased their JSA to claim ESA, they remain attached with you and their participation requirements should be treated as the same as those of a Voluntary participant until the outcome of the Work Capability Assessment (WCA).
83. The WCA should occur within the first 12 weeks of a claim to ESA. The outcome of the WCA will determine the Work Related Activity Group the participant is placed into and therefore the requirements of their participation in the Work and Health Programme as defined in the WHP Provider Guidance; Chapter 2: Participant identification, eligibility and referral.

### **Mandatory participant changes from UC intensive work regime to another regime**

84. Where you are notified that a mandatory UC participant in the intensive work regime moves to another regime they remain attached with you and their

participation requirements should be treated as the same as those of a Voluntary participant.

## Self-Employment whilst on UC

85. When a participant reports that they are self-employed, or a partner that is already self-employed joins an existing claim, a Jobcentre Plus Gateway Interview is needed to provide an assessment of whether the participant and/or partner is in gainful self-employment for UC purposes. You should advise the participant to telephone the UC Service Centre to arrange a Gateway Interview to disclose their self-employment.

86. Further information on the UC self-employment gateway interview can be found in Annex A of this chapter.

**Please note** – These requirements set out in Annex A of this Chapter are for UC purposes only to advise you of what a participant will need to do to meet the conditionality requirements of being Self-Employed whilst on UC, this will be for the participant to meet these requirements, however it would be to your advantage to ensure the participant is complying with the requirements for declaring as UC self-employed participant as DWP will access pertinent data within a participants UC record to determine if the participant is gainfully self-employed. For meeting the WHP Self-Employed outcome definition and validation requirements, please see the relevant contractual clauses and the additional information Chapter 13 – Funding Model and Chapter 14 – Validation.

87. The Jobcentre Plus Work Coach will notify the outcome of the interview on a change of circumstances form. If the participant is gainfully self-employed and a start-up period is appropriate, they should also include the start and end dates.

88. If the participant is treated as being gainfully self-employed, the Jobcentre Plus Work Coach will book a subsequent self-employed quarterly interview to take place at 3, 6 and 9 month stages. At the end of each quarterly interview (or at any other time when a change is reported), the Jobcentre Plus Work Coach will notify you if the participant:

- has ceased self-employment
- is no longer gainfully self-employed
- start-up period has come to an end
- remains gainfully self-employed, but have not taken sufficient steps to increase their earnings during a start-up period. Where the start-up period ends, the participant's labour market regime will be amended to

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Working Enough regime if they would otherwise fall within the Intensive Work Search regime and their participation becomes voluntary.

89. The Jobcentre Plus Work Coach will inform you of any change to the participant's labour market regime and work search and work availability requirements.
90. Further information on self-employment can be found on the .gov.uk website.

### **Easements for victims of domestic violence**

91. JSA or ESA WRAG participants subject to conditionality can have an easement when they have been a victim of actual or threatened domestic violence.
92. JSA participants will be excused from meeting the labour market conditions: availability, actively seeking employment, having to have a Claimant Commitment (unless they already have one) in certain circumstances, if they tell Jobcentre Plus they have been subject to domestic violence in the previous 26 weeks.
93. A Participant can also be excused from attending Jobsearch Reviews during any agreed easement period.
94. There are two elements to the new easement:
- an initial four week period starting on the day the person notifies Jobcentre Plus that they have been threatened with or subject to actual domestic violence
  - the facility to extend the initial easement to 13 weeks upon production to Jobcentre Plus of written evidence by the Participant during the initial four

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week period. If the evidence is produced, the 13 week period will begin on the same date as the four week period

95. The purpose of the easement is to give the Participant time to resolve any immediate issues arising from the domestic violence, such as finding new accommodation, changing children's schools or getting legal advice etc.
96. Anyone making a new claim or already receiving benefit who tells Jobcentre Plus that they have been a victim of actual or threatened domestic violence is eligible for the initial four week easement as long as:
  - the incident of domestic violence occurred within the previous 26 weeks
  - it meets the definition of domestic violence
  - they are not living at the same address as the abuser
  - they have not previously had a period of domestic violence easement within the last 12 months.

## Notification and Action

97. A Participant stating that they are a victim of domestic violence will not be referred to the WHP until either the end of their 13 week easement period or

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after the end of the initial four week notification period if they fail to provide supporting evidence within that period.

98. If you identify that participants already on the WHP may be victims of domestic violence, they should advise the Participant to contact their Jobcentre Plus office straightaway.
99. Jobcentre Plus will consider the Participant's eligibility and notify you in writing if the domestic violence easement applies using the change of circumstances form.
100. The Change of Circumstances form will state:
  - whether the easement is for four or 13 weeks as appropriate
  - start date of the easement
  - anticipated end date of the easement
  - reason for ending (that is, the easement reached full term, no evidence provided by the end of the fourth week, Participant no longer wishes to avail themselves of the easement, etc.)
  - the revised date, if the easement ended before the anticipated date.
101. A Participant does not have to use all of their 13 week easement in one go. If, before the end of the period, they feel that they are able to meet the benefit conditionality requirements, they can 'bank' any remaining weeks and apply to

use them again provided that they are used up within 12 months of their first notification to Jobcentre Plus that they have been a victim of domestic violence.

## **Easement for Homeless Persons**

102. An easement has been introduced to help support homeless participants in finding sustainable living accommodation which will help to remove a barrier into employment.
103. The Regulations allow Jobcentre Plus to treat certain homeless participants as meeting the jobseeking conditions for periods of time with no limit on the number of occasions on which it can be applied.
104. This will mean that for the period of the easement the Participant will not be required to participate in the WHP.
105. This is conditionality easement is dependent upon the Participant taking reasonable action to find living accommodation.
106. Participants who are suffering a domestic emergency as a result of recently becoming homeless can benefit from the easement. It is likely to be most suitable for the specific groups of homeless individuals mentioned below:
- rough sleepers.
  - those staying in direct hostels (that is, hostels designed to include short-stay residency options specifically for the homeless).
107. If an easement is applied, Jobcentre Plus will advise you of this by issuing you with a change of circumstances form.
108. The change of circumstances form will explain:
- that the Participant is currently unable to attend/take part in the provision
  - the reason
  - date of commencement of the easement
  - that we will notify you when the circumstances change.

## **Duration and Frequency of the Easement**

109. Regulations do not specify a duration for which an easement can be applied for a homeless Participant, nor set a limit on the number of occasions on which it can be applied.



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- 110. It will be for Jobcentre Plus to decide whether a Participant's homelessness constitutes a "domestic emergency" and the length of time for which the easement is to be applied.
- 111. It is not expected that a domestic emergency due to homelessness would last for more than four weeks. Although Jobcentre Plus Work Coaches can extend the duration of the easement beyond four weeks if they decide that it is appropriate.
- 112. Jobcentre Plus must undertake a review with the Participant on a regular basis, at least fortnightly, to ensure that the continuation of the easement is still appropriate and that the Participant is taking the required actions to find sustainable accommodation.
- 113. Once the easement has been lifted you will be notified that the Participant can now attend/participate in the WHP and the date from which the easement has been lifted.
- 114. Where an easement period applies, participation on the WHP will be suspended for the duration of the easement. During this time, no contact with the Participant should be made and no sanction doubt should be raised if they fail to undertake a mandated activity, unless completion was expected before the easement was awarded. When the easement period has finished, Jobcentre Plus will notify the you using another change of circumstances form. You can then resume engagement with the Participant.
- 115. A Participant for whom an easement applies will not have their time on the WHP extended. It will remain at 456 calendar days

### **Easement for participants who are members of the Territorial Army or Reserves Forces**

- 116. A member of the reserve forces (including the Territorial Army) is treated as being available for work when engaged in annual continuous training for a maximum of 15 days per calendar year. Such persons are also treated as actively seeking employment for any period during any week in which they are

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engaged in annual continuous training for at least 3 days, up to a maximum of 15 days per calendar year.

117. The regulation states Territorial Army members or reserve forces can be deemed as available to attend training. The territorial or reserve forces are:
- Royal Fleet Reserve
  - Royal Naval Reserve
  - Royal Marines Reserve
  - Army Reserve
  - Territorial Army
  - Royal Air Force Reserve
  - Royal Auxiliary Air Force
  - The Royal Irish Regiment.
118. A Participant who is a member of the territorial or reserve forces will be excused attendance from the WHP for a maximum of 15 days in any calendar year, where they are attending their annual training camp.
119. Where a Participant reports that they are due to attend their annual training camp, you should advise them that they are required to report it as a change of circumstances to their local Jobcentre Plus office, before they attend the camp.
120. The Jobcentre will confirm the Participant's attendance on the training course by sending you a change of circumstances form.
121. On receipt of the change of circumstances form stating that the Participant is taking part in annual continuous training, participation in the Work and Health

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Programme will be suspended for the duration of the training period and no contact should be made with the Participant.

- 122. No sanction doubt should be raised if the Participant fails to undertake a mandated activity, unless completion of that activity was expected before the annual training period commenced.
- 123. You can resume engagement with the Participant once the end date of the annual training period has passed.
- 124. A Participant for whom this easement applies will not have their time on the WHP extended.

### **Participation in DWP ESF provision**

- 125. A Participant cannot take part in DWP ESF 14-20 provision and WHP Provision simultaneously.

### **UC Participant / partner refuses to sign Claimant Commitment**

- 126. As part of entitlement to UC the Participant will have a Claimant Commitment specifying the work related requirements they must complete. In the case of a couple, each will have their own Claimant Commitment. Jobcentre Plus is responsible for reviewing and updating the participant's Claimant Commitment to reflect any changes to the claim or their conditionality.
- 127. If the Participant or, in the case of a household/joint claim, their partner refuses to sign the updated Claimant Commitment they will be given a 'cooling off' period of 5 working days. If, either the Participant or partner refuses to sign the Claimant Commitment, their claim to UC will be closed.
- 128. Jobcentre Plus will notify you if the Participant (or partner) refuses to sign the updated Claimant Commitment by completing and sending a change of circumstances form.
- 129. If a participant and/or partner refuse to sign an updated Claimant Commitment, they will still be attached to the programme. You will be notified of any further change in circumstances, such as reclaiming UC and accepting the CC, so you can re-engage with the Participant.

### **Switching Off Work-Related Requirements and Tailored Conditionality for UC participants**

- 130. There may be times when Jobcentre Plus identifies a change in the Participant's particular circumstances that means their work search and work availability requirements detailed on the Claimant Commitment should be temporarily

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switched off for a limited period of time. Conditionality can also be tailored to limit work-related requirements.

131. Jobcentre Plus will verify if work related requirements must be switched off or limited to meet the Participant's new circumstances. The Jobcentre Plus Work Coach (WC) will set new requirements on the Claimant Commitment and record the start and end date or review date (if applicable).
132. When work related requirements are switched off, the Participant will stay in their original labour market regime. The aim is to avoid movement between regimes and allow DWP to easily reapply full conditionality when the circumstances return to normal.

**Please note** - Although work search and work availability requirements may be switched off, work preparation activities may continue to apply so you could continue to engage with the Participant.

### Switching Off Requirements for UC Participants

133. UC Regulations specify the particular circumstances when work search and availability requirements must be switched off. Jobcentre Plus Work Coaches

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have the discretion to switch off/tailor other work-related requirements, as appropriate. This applies to participants:

- with a self-certificate/medical evidence of illness of up to 14 days (see section 'Participant is sick')
- receiving or accompanying a child or qualifying young person or partner, for whom they are responsible, for medical treatment, convalescence or care outside of Great Britain (for up to 6 months)
- bereaved following the death of their partner or their child or a child or qualifying young person, for whom they are responsible, within the past 6 months
- receiving and has been participating for no more than 6 months in a structured recovery orientated course for drug and/or alcohol dependency
- in prison (detained in custody pending trial or sentence or on temporary release and they remain entitled to UC)
- attending court or a tribunal as a witness
- on the witness protection programme for up to 3 months
- engaged in a public duty (e.g. jury service, volunteer fire-fighter; lifeboat server, coastguard, councillor or Territorial Army reservist)
- who have recently been a victim of domestic violence or abuse
- Supporting a child who needs additional care due to the effect of bereavement, violence or abuse (including domestic violence or abuse).

**Please note** - Under UC Regulations, participants who are victims of domestic violence and abuse could have all work-related requirements switched off for a limited period.

### Action

134. Where you consider that work related activity should be switched off (for example, if you become aware of a change of circumstances covered in the list above), you must refer the Participant immediately to Jobcentre Plus for an assessment of their current circumstances.
135. Where Jobcentre Plus report that all work-related activity must be temporarily switched off, you will need to suspend engagement with the Participant for the set period of time. The Jobcentre Plus Work Coach will notify you of the date

when work related activity has been switched off on the change of circumstances form. You will need to suspend engagement with the Participant from the start date of the easement. The easement period will count towards the Participant's allotted time on the WHP. The Jobcentre Plus Work Coach will ensure that appropriate dates are set to review when the requirements can be switched back on. When the temporary period has ended, the Jobcentre Plus Work Coach will notify you about the re-instatement of work-related requirements on a change of circumstances form so that you can re-engage with the Participant.

136. For participants that need structured treatment for drug and/or alcohol dependency, the Participant will be referred formally via Jobcentre Plus to the treatment provider. Jobcentre Plus will undertake a monthly check to monitor that they remain in treatment with the approved provider for up to 182 calendar days.

### **Tailored Conditionality for UC Participants**

137. Conditionality can also be tailored, particularly when the Participant has a temporary emergency or temporary responsibility. Therefore, work coaches have the discretion to switch off work search/work availability requirements where it would be unreasonable for these to be imposed on a Participant. Examples of this include:
- Temporary childcare responsibilities (e.g. where there is no appropriate childcare available during the school holidays and no other arrangements can be made or where the child is temporarily excluded from school)
  - They are dealing with a domestic emergency
  - They are having to make funeral arrangements
  - Sickness that exceeds the first 14 days of sickness
  - They are undergoing any other temporary circumstance and it would be unreasonable to expect them to work search/be available for work.
138. Jobcentre Plus Work Coaches may decide that the Participant should be subject to other work-related requirements. This may include work preparation requirements and/or work focused interview requirements, or limiting work search or work availability requirements. They will notify you of the nature of any limitations and expectations on participants. At all times, Jobcentre Plus needs to ensure that the requirements imposed on participants are reasonable given their capability and circumstance. Therefore, Jobcentre Plus has the discretion to limit

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work-related requirements. Jobcentre Plus will determine the limitations that need to be agreed with the Participant.

This can include:

- reducing the time the Participant is expected to look for work.
- reducing the time they are expected to travel to work.
- reducing the hours or days they are available for work.
- limiting the type of work the Participant is expected to look for work.

139. Once the limitations have been determined the Jobcentre Plus Work Coach will create a new Claimant Commitment and notify you on the change of circumstances form.

140. Once the easement period has finished, Jobcentre Plus will notify you using another change of circumstances form, with updated requirements.

### Work Availability Requirements for UC Participants

141. Participants in the Intensive Work Search regime must be available and willing to start work and attend a job interview immediately. In certain circumstances participants may be given more time:

Participants who need to arrange childcare (or other care arrangements) before taking up work or attending an interview will be given up to 48 hours to attend an interview and a period of one month to take up a job.

- Participants who are volunteers will be given up to 48 hours to attend an interview and one week to take up work.
- Participants with a contract of employment will be given 48 hours to attend an interview and will not be required to be available until they have served their notice period.
- Participants who have a fit note from a doctor will not be required to take up a new job until their fit note expires.
- Participants who have recently left prison will not be required to take up work within the first seven days of release.
- In addition, work search and availability requirements must be limited to a work location which would take participants a maximum of 90 minutes to and from home in each direction.

## **Annex A - Overview of the Self Employment Gateway Interview**

**Please note** –These requirements set out in Annex A of this Chapter are for UC purposes only to advise you of what a Participant will need to do to meet the conditionality requirements of being Self-Employed whilst on UC, this will be for the Participant to meet these requirements, however it would be to your advantage to ensure the Participant is complying with the requirements for declaring as UC self-employed Participant as DWP will access pertinent data within a Participants UC record to determine if the Participant is gainfully self-employed. For meeting the WHP Self-Employed outcome definition and validation requirements, please see the relevant contractual clauses and the additional information Chapter 13 – Funding Model and Chapter 14 – Validation.

- A.01 When a Participant who is claiming Universal Credit (UC), and is in the All Work Related Requirements group (Intensive Work Search regime), reports to Jobcentre Plus that they are self-employed they will be required to attend a



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Gateway Interview with a Jobcentre Plus Work Coach to decide whether they are gainfully self-employed.

A.02 The Participant will be required to bring a completed Self-Employed Declaration and as much evidence as possible of their self-employed business.

For example:

- their unique tax reference
- list of customers, suppliers, invoices and receipts
- previous tax returns
- previous declarations of income for tax credits
- business account bank details and statements
- trading accounts from the previous year
- name, address and telephone number of their accountant
- a diary of appointments, business meetings, etc.
- business plans and or marketing material

This list is not exhaustive and the Participant does not need to provide all of them.

### **Gainfully Self-employed**

A.03 For UC purposes, to be gainfully self-employed the following criteria must be satisfied:

- Activity is carried out on a self-employed rather than an employed basis
- Self-employment is the Participant's main employment
- Self-employment is regular, organised, developed and carried out in expectation of profit

A.04 The Jobcentre Plus Work Coach will consider a person is probably self-employed if they meet some or all of the following:

- run their own business and take responsibility for its success or failure.

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- usually have several customers at the same time.
- decide how, when and where they do their work.
- can hire, at their expense, people to do the work for them or help them do it.
- provide the main items of equipment needed to do their work.
- whether the activity is undertaken for financial gain.
- the number of hours spent each week on the work.
- any business plan or steps taken to increase income from the activity.
- how HM Revenue and Customs (HMRC) regard the activity.
- how much work is in the pipeline.
- whether the Participant is actively marketing or advertising for work.

A.05 If the Participant's earnings are derived from employment under a contract of service, or in an office or other 'casual' paid work they are not self-employed.

A.06 At the end of the Gateway Interview, the Jobcentre Plus Work Coach will issue a decision letter to the Participant.

### **Start-Up period**

A.07 To support them while they grow their business, participants who have been assessed as Gainfully Self-Employed may get a Start-Up Period during which

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they can continue to claim UC without any requirement to look for alternative work. A Start-Up Period will be available to self-employed participants who:

- are gainfully self-employed for UC purposes
- haven't been undertaking the self-employed activity for more than 12 months before the start of the UC assessment period in which the Gateway Interview takes place
- haven't had a start-up period in the last 5 years
- are taking appropriate steps to increase their earnings with the aim of ultimately increasing earnings to the level of their conditionality earnings threshold

A.08 The Start-Up Period runs from the beginning of the UC assessment period in which the Jobcentre Plus Work Coach agrees the Start-Up Period is applicable and ends after one year unless the Participant fails to continue to satisfy the criteria.

A.09 During the start-up period the Participant must attend quarterly interviews with a Jobcentre Plus Work Coach in order to meet their conditionality requirements. At the interviews the Participant must show that they remain gainfully self-employed and that they have been taking steps to increase their earnings, with the ultimate aim of increasing earnings to the level of their individual conditionality earnings threshold.

A.10 The Participant will indicate the steps they plan to take at the Gateway Interview and subsequent quarterly interviews, and if the Jobcentre Plus Work Coach agrees they are appropriate they will be set out in their Claimant Commitment.

### Minimum Income Floor

A.11 The Minimum Income Floor (MIF) is applied to participants who are assessed as Gainfully Self Employed and would otherwise fall in the Intensive Work Search regime, where the Start-Up Period is not applicable.

A.12 The MIF is an assumed level of net earnings for a self-employed Participant that matches the work expectations of any other Participant with similar circumstances. The MIF is a monthly amount calculated on the basis of working up to a maximum of 35 hours per week and multiplied by the National Minimum Wage for their age group minus tax and National Insurance Contributions.

A.13 If the Participant's actual earnings are below the MIF, their UC award will be calculated using the MIF. If declared earnings exceed the MIF, actual earnings

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will be used to calculate the UC award. Participants who have the MIF applied are placed in the Working Enough regime.