

Employment on Trial

Guidance Queries and Help

1. If you are unable to find an answer to a particular question regarding policy within this guide you must contact the Jobcentre Plus Live Support Advice Line. Do not give the Advice Line number to claimants or outside bodies under any circumstances, it is for the use of Jobcentre Plus staff only. Details of how to contact them can be found by clicking on the following hyperlink, Advice Line Home Page.
2. Please do not use the 'E-mail page owner' and 'Page information' links at the bottom of each page of guidance to raise policy queries. These should only be used to report broken hyperlinks.

Overview

3. Employment on Trial allows a person to leave employment without just cause needing to be considered. Employment on Trial only applies to JSA claimants who leave their job voluntarily.

Eligibility

4. To be eligible for Employment on Trial, the claimant must:
 - have worked for at least 16 hours a week for a period of over four weeks but not more than 12 weeks, starting with the week in which the work began;
 - not have worked, either part-time or full-time, as an employed earner or self-employed, during any of the 13 weeks before the day on which the job started; and
 - not have been a full-time student or in relevant education at any time in the 13 weeks before the day on which the job started.
5. The following activities count toward the 13-week eligibility:
 - a period of vocational training;
 - a period of Work Based Learning for Young People;
 - a period of assessment or rehabilitation during which the individual received an Employment Rehabilitation allowance or social security benefits;
 - part-time study, or part-time education; and
 - periods on:
 - Incapacity Benefit;
 - Statutory Sick Pay; or
 - Statutory Maternity Pay; and
 - Employment and Support Allowance.
6. Employment abroad for a period of over four weeks but not more than 12 weeks, can be considered for Employment on Trial, provided the employer was UK based and it was employed earners employment.
7. The following do not count towards the 16 hours of work:
 - holidays;
 - sickness;
 - jury service;

- self-employment;
- part-time employment; and
- times when the claimant was not working for any other reason. For example, a Career Break.

Exemptions to the Employment on Trial conditions

8. The following activities are discounted for the purpose of the 13-week period:

- part-time fire fighters;
- lifeboat crew; and
- people undertaking duties in an emergency, or attending work camps for up to 14 days.

Action to determine if Employment on Trial applies

9. When the Customer Management System Record/clerical claim form shows that the claimant left their most recent employment within the last 26 weeks:

- they must complete form ES84JP;
- the answers given on the form are checked, to ensure that they relate to the most recent employment;
- a check is made that the claimant has signed the declaration on the form;
- whether they are eligible for Employment on Trial is determined; and
- the claimant must understand that:
 - an enquiry will be made of their previous employer; and
 - payment of Jobseeker's Allowance may still be affected if:
 - misconduct is involved; or
 - the dates they gave were not accurate.

Employment on Trial applies

10. If Employment on Trial applies:

- form ES85 is issued to the employer;
- the Labour Market System record and Labour Market Unit are noted 'EOT';
- form ES85AS is completed; and
- the ES84JP is attached to the ES85AS and passed to the Decision Maker Submissions Officer.

Employment on Trial does not apply

11. If Employment on Trial does not apply:

- the claimant is asked to give their reasons for leaving voluntarily on form ES84;
- the issue of ES84 is recorded on LMS;
- form ES85 is issued to the employer;
- form ES85AS is completed;
- the claimant is informed that their claim will be referred to a Decision Maker for a decision;

- any reason given by the claimant on the CMS Record/clerical claim form about why their employment ended is copied, word for word, in the 'Notes' space on form ES85AS; and
- the ES85AS and ES461JP are passed to the Financial Assessor, to be linked to the Customer Statement/clerical claim form.