

## **sector-based work academies (sbwa) Adviser Guidance (Scotland only)**

Note: When referring to sector-based work academies, for legal reasons lower case only lettering must be used whether it is abbreviated (sbwa) or in full (sector-based work academy/ies)

### **Policy Intent**

1. sbwa (sector-based work academies) are being launched for claimants who live in Scotland from 30 January 2012 and are part of the package of Get Britain Working measures that can be used by Jobcentre Plus to help individuals into work.
2. sbwa are designed to support Jobseeker's Allowance (JSA) and Employment and Support Allowance (ESA) Work Related Activity Group (WRAG) claimants, (including JSA joint claimants), who are close to the labour market but who have been unable to find work to move into sustained employment in a demand sector with the further aim of supporting employers in those sectors to fill their vacancies more efficiently.
3. In Scotland, sbwa can on occasion, after discussion with Skills Development Scotland, be delivered through the Scottish Government 'Training for Work' programme, but training allowances are not payable. Claimants will remain on benefit throughout the sbwa.
4. Detailed design of sbwa will not be prescribed from the centre but the provision is for a maximum of six weeks duration per claimant and will consist of three elements:
  - Pre-employment training (PET);
  - Work Experience Placement (WEP); and
  - Guaranteed Job Interview(GJI) with an employer in the sectorWith the exception of the GJI, which cannot be held before the PET, the elements can run in any order or be blended depending upon employer needs.
5. It is expected that claimants will not complete more than one sbwa. However, this may not be the case where a claimant has ceased participation and the adviser decides that the claimant should re-engage in sbwa.
6. The decision for a claimant to participate in a sbwa is voluntary (Jobseeker's Directions should not be used) but:
  - once a JSA claimant has agreed to participate and been formally referred to the sbwa, participation in all three elements becomes mandatory
  - Existing ESA guidance governing part-time education in Scotland will still apply – up to 16 guided learning hours per week and claimants can undertake up to an additional 5 hours using structured learning packages, supported by teaching staff amounting to no more than 21 hours per week
  - existing JSA guidance governing part-time study in Scotland will still apply – up to 16 guided learning hours per week and claimants can undertake

up to an additional 5 hours using structured learning packages, supported by teaching staff amounting to no more than 21 hours per week

- once an ESA(WRAG) claimant has been referred to sbwa, participation in PET becomes mandatory. For ESA (WRAG) claimants, participation at the WEP and GJI is voluntary.
- ESA (WRAG) claimants who are in receipt of National Insurance Credits only, lone parents responsible for a child under 5 and not yet at school or full-time carers cannot be mandated to Work-Related Activity i.e. these are exception. All 3 elements of sbwa must remain on a voluntary basis for these claimants.

### Eligibility

7. sbwa are available to claimants in Scotland aged 18+ who are claiming JSA or in the ESA (WRAG), who are close to the labour market and do not have significant needs relating to numeracy, literacy or general employability skills, but who would benefit from participating in sbwa to help them find and keep work. However, JSA claimants aged 18 are treated differently for availability and actively seeking work whilst undertaking training.
8. The approach to take differs depending upon the type of ESA in payment. See details below
9. Guidance detailing establishing ESA benefit types can be found in paras 101 – 103 of the Jobcentre Plus Offer guidance.
10. JSA/ESA (WRAG) (C) (contribution-based) claimants can undertake PET of up to 30 hours per week.
11. JSA/ESA (WRAG) (C) claimants may also undertake PET on a part time basis. Existing guidance governing part-time courses in Scotland applies.
12. ESA (WRAG) (IR) claimants may only undertake part-time training. This is defined in guidance as up to 16 guided learning hours per week and claimants can undertake up to an additional 5 hours using structured learning packages, supported by teaching staff amounting to no more than 21 hours per week.
13. Claimant groups other than JSA and ESA (WRAG) are not eligible for sbwa. However, where the provider agrees to other claimant groups joining the training and/or the employer agrees to take other claimant groups for WEP and GJI, they can participate **BUT these must not be counted as sbwa participants and they must not be submitted to sbwa LMS opportunities.**
14. Jobcentre Plus claimants participating in the Work Programme are NOT eligible for sbwa in Scotland under any circumstances. Existing guidance governing referrals and deferral to the Work Programme applies.

### Funding

15. PET will normally be delivered by colleges and training providers funded on occasion by the Scottish Government. It is also acceptable for employers to fund the training element of a sbwa and for JCP to utilise other sources of

funding to procure training where Scottish Government funded training is not available.

16. Scottish Government funded training may enable claimants to undertake units of accreditation on the Scottish Qualifications and Credit Framework (SQCF), but this is not a requirement.
17. Employer funded training will not necessarily count towards SQCF accreditation.
18. Where the PET element of a sbwa is not funded through the Scottish Government, participants do not have to undertake units on the SQCF. However, Jobcentre Plus should seek to influence the type of training being offered to ensure that the skills people develop are transferable and preferably meet industry standards.

### **Travel, childcare, reasonable adjustments and replacement care costs**

19. JCP will pay participants travel, childcare, and replacement care costs. Reasonable adjustments may also be considered, although they would normally be the responsibility of the employer. sbwa payment codes can be found on ACME. Forms for payment of costs for expenses for sbwa claimants are shown in the expenses procedures part of this guidance.

### **PVG (Protecting Vulnerable Groups) checks**

20. Enhanced PVG checks are only required for regulated roles in regulated sectors where the individual is working with children or vulnerable adults.
21. Employers are expected to fund PVG checks. However, in exceptional circumstances JCP may use its discretion to reimburse the employer for the cost. Some participants, by exception, may have the cost of the enhanced PVG check reimbursed to the employer as agreed in the CRB Framework. This will not be known until the participant has agreed to start the sbwa.
22. The cost of standard PVG checks should never be reimbursed.
23. PVG checks are not always necessary for PET and WEP in the care sector. It will depend on the role. Details will be established when the sbwa is set up.

### **Data sharing**

24. The exchange of information with third parties, once the data sharing authority has been established, must be undertaken in compliance with Departmental Security policies and procedures.
25. Informed consent must be obtained to allow entry to sbwa and enable the sharing of customer data between employers and Scottish Government and non-Scottish Government providers. Advisers should ask the claimant to complete an authority (informed consent) to allow JCP to disclose such information to the employer/provider.
26. The data shared once informed consent has been given, can support activities such as the management of adviser caseloads or any reasonable adjustment requirements. It can also provide updates to monitor and build on the progress a claimant is making with the skills activity they are undertaking to support a move into work.

27. The authority applies to the exchange of information between the employer, provider and Jobcentre Plus.

### **Attendance, Timekeeping and Absences**

28. For claimants to benefit fully from sbwa, it is important that they attend regularly and on time. Claimants should be advised of the expectations of the provider/employer. These include:

- taking reasonable steps to minimise absences (e.g. arrange routine GP appointments for evening surgeries where possible);
- unplanned absences (e.g. for sickness, domestic emergencies etc) should always be notified to providers/employers as soon as possible on the first day of absence and failure to do so could result in sanctions. Normal JSA rules apply for sickness and domestic emergencies.

29. If claimants have planned holiday or time away from home within the time of the sbwa, advisers should not refer them to sbwa

30. Where there has been an extensive absence from sbwa, advisers should check with the provider/employer to establish whether it is possible for the claimant to continue on that particular sbwa.

### **The Personal Adviser Role**

#### **Identification of Suitable, Eligible Claimants**

31. It is imperative that only suitable and eligible claimants are referred to a sbwa. Suitable claimants will:

- not have significant needs relating to numeracy, literacy or general employability skills.
- be close to the labour market but would benefit from a short training intervention and a work experience placement to support them in finding work in a demand sector.
- be interested in a role in the sector.
- have the aptitude/suitability for the role/sector.
- be available for all three elements of sbwa – PET, WEP and GJI.

32. Adviser discretion should be used to make decisions about the timing of sbwa referrals. Early access to skills training should be appropriately targeted, to avoid referring those who are likely to obtain a job without that intervention.

33. To assist in selection of the most suitable claimants, advisers should use

- information on the District Provision Tool (DPT) and LMS opportunity which will give details of what behaviours/skills the employer is expecting of participants.
- previous employment history (consider transferable skills)
- Knowledge Hub
- Customer Assessment Tool
- Checklists in Sector Employability Toolkits

- Caseload conferencing

### **Initial discussions with the claimant**

34. Give the claimant full details of the sbwa. This should include as much information as possible about the course, the employer, the role etc. The claimant must be given full information about the sbwa to ensure they can make an informed decision about taking part, especially as there are mandatory elements once the claimant has agreed to participate. Employer and partnership facing staff should provide this information as part of the details on LMS/DPT or may as an addition also hold an sbwa open day – local arrangements can apply.
35. Where the sbwa is in the care sector and the information provided shows that a PVG check is not required to participate in sbwa, advisers must make it clear that to take up a job in the sector, claimants will still be required to undertake a CRB check.
36. Explain the benefits of taking part in the sbwa, for example:
  - Improve their job prospects
  - Give them the skills and behaviours employers want from people entering a job in a specific sector
  - Allow them to undertake units towards a qualification
  - Gain work experience
  - Build their confidence
  - Add to their CV
  - Give an employer chance to see how well they can work
  - Travel, childcare, and replacement care costs will be met.
  - A Guaranteed Job Interview for an existing vacancy will be offered
  - Claimant's benefit will not be affected whilst participating in sbwa
37. It is imperative that it is explained to the claimant that once they decide to participate and they receive written notice detailing what is required by way of participation in the sbwa, which will be mandatory and sanctions will apply if they do not complete:
  - for JSA claimants – all 3 elements.
  - for ESA (WRAG) claimants – only PET
  - ESA (WRAG) claimants who are in receipt of National Insurance Credits only, lone parents responsible for a child under 5 and not yet at school or full-time carers cannot be mandated Work-Related Activity. All 3 elements of sbwa must remain on a voluntary basis for these claimants.
38. Jobseeker's Direction must **not** be used when claimants have initial meetings with providers/employers or at an open day.
39. It is also imperative that the claimant is made aware of how sanctions will affect them.

40. If the claimant is interested in taking part, where appropriate, arrange a discussion between the claimant and the provider and/or employer to

- allow the provider to assess suitability; and
- to give the claimant the opportunity to decide whether to participate.

Note: meeting the provider at this stage does not count as a referral to sbwa. If claimant FTA this initial meeting re-interview to find out why. Once the claimant has agreed to participate in sbwa, the referral is counted from this point and sbwa becomes mandatory.

41. If the provider/employer does not feel the claimant is suitable, obtain feedback, discuss this with claimant and consider alternative provision/support.

42. There is no expectation that all potential sbwa participants will speak to an employer, although where an employer has agreed to discuss the content of the sbwa with claimants, it should be accommodated wherever possible.

43. Where an employer wants to speak to a claimant, it will be outlined in the sbwa LMS opportunity and in the DPT information.

#### **Referral to sbwa – actions to take if claimant is suitable and agrees to participate in sbwa**

44. offer them a place on the sbwa

45. Select LMS interview type – Flexible Intervention

46. issue sbwa notification letter to claimant which gives full details of what is expected of them whilst participating in sbwa. Where these are not all confirmed with the employer/provider by the time of the initial referral, the notification should show details of the elements which are known and the rest to be confirmed. Local arrangements will apply for completion of notification details. There are 4 notification letters:

- sbwa01a(JSA) – for JSA claimants where PET within sbwa is for under 16 hours a week
- sbwa01(JSA) – for JSA claimants where PET is within sbwa is between 16 and 30 hours a week
- sbwa02(ESA)Action Plan – for ESA(WRAG) claimants (but not those in the “exceptions” group)
- sbwa02a(ESA)Action Plan – for ESA(WRAG) claimants in the “exceptions” group

Note: The sbwa 02/02a are Action Plans for ESA claimants. These need to be retained for DMA purposes. It is a local decision how and where these should be retained for DMA purposes.

47. Written notice must be given to claimants outlining what additional activities are required whilst they are participating in sbwa both prior to starting and during the sbwa if there are any changes required to the defined activities. This may be done by updating the JSaG or on the initial notification.

48. For JSA claimants on training of between 16 and 30 hours, the notification states "During your Pre-Employment Training you will be required to undertake any activities which are detailed in this letter." The policy intent is that claimants should be required to undertake additional activity. If you decide additional activity is required, this should be recorded on both the notification letter and on the JSAg before the claimant starts the sbwa. This should be reviewed at each Jobsearch Review to show the claimant is continuing to take these additional steps towards gaining employment. This could include activities such as updating their CV or checking the internet for jobs on a daily basis for example. It is important that these extra steps should be achievable. If at the Jobsearch Review, it is established that the claimant has not carried out these activities, they could be sanctioned.
49. Existing part-time study guidance applies to both JSA and ESA claimants – up to 16 guided learning hours per week and claimants can undertake up to an additional 5 hours using structured learning packages, supported by teaching staff amounting to no more than 21 hours per week.
50. Obtain JSA claimant's signature to confirm receipt of the clerical notification letter on the reverse of ES80A or by using the sbwa notification confirmation slip. Retain a copy of the notification letter in the claimant's file.
51. Any subsequent changes or additions to the sbwa must be notified to the claimant by issuing a further clerical notification letter when they occur. A copy must be kept on the claimant's file.
52. Consider setting an LMS workflow to remind claimant where they need to go in advance of each element of sbwa.
53. Reiterate how sanctions would affect them if they do not participate as required in the mandatory elements of sbwa
54. Record referral to sbwa on LMS submitting claimant to an LMS opportunity for each part of the sbwa. LMS opportunities will be:
- Ref'd to sbwa Pre-empl Training
  - Ref'd to sbwa Work Experience Placem't
  - Ref'd to sbwa G'teed Job Interview
55. Claimants not in receipt of JSA or ESA must not be referred through the LMS sbwa opportunities in paragraph 54.
56. Complete SL2 and send to provider. It is recommended that SL2s are headed with 'sbwa' to distinguish from Training for Work SL2s. These forms will need to be retained for DMA purposes when returned by providers. SL2s for JSA claimants will be kept/stored in the labour market unit. Local arrangements will need to be agreed for storing SL2s for ESA claimants.
57. Ask the claimant to complete authority to allow JCP to disclose information (authority to allow JCP to disclose information and informed consent form) to the employer and any other organisation involved in the sbwa.
58. Discuss travel, childcare and replacement care costs needs. Reasonable adjustment costs would normally be paid by the employer or provider.

59. For JSA claimants only, consider a flexible approach to attendance at JR to ensure no disruption to participation in sbwa.
60. Arrange payment of travel, childcare, replacement care costs and consider any reasonable adjustments for the first element of sbwa if appropriate. Payment of these should be considered before the start of each element of sbwa. sbwa payment codes for travel, childcare, replacement care and reasonable adjustments can be found on ACME. All sbwa participants should be classed as “mainstream” when selecting options on ACME. Forms for payment of costs for expenses for sbwa claimants are shown in the expenses procedures part of this guidance.

### **Jobsearch Review (JSA claimants)**

61. During sbwa JSA claimants are required to attend JR, although a flexible approach to attendance at JR may be decided locally.
62. JSA claimants are required to be actively seeking work and available for work during the period of PET (where training does not exceed 16 hours) and WEP.
63. JSA claimants who are participating in PET of 16-30 hours are not required to be actively seeking work or available for work. However, policy intent is that claimants should still attend JR to show that they are taking steps towards gaining employment. Claimants are not required to sign the usual declaration during PET but are required to sign the declaration ES24JPsbwa to confirm that they have not undertaken any paid work and that they have reported any changes in circumstances which may affect their award of JSA.
64. The notification letter for JSA claimants attending PET of 16-30 hours states that the claimant will be required to undertake any activities that the Jobcentre notifies to them. These may include activities such as preparing/updating their CV and checking out local newspapers for suitable job opportunities. If you decide that the claimant is required to undertake any additional activity, this should be recorded on the JSaG before starting sbwa and reviewed at each Jobsearch Review to show the claimant is continuing to take these additional steps towards gaining employment.
65. Claimants should complete form ES88X for the period between the last signing day up to the day before the course starts and advisers should follow procedures in the JSA Get Britain Working Guidance
66. For those JSA claimants attending PET of 16-30 hours, if the hours and location of the claimant’s PET make it impossible to attend the office for JR, then the adviser can conduct the JR by telephone. If the adviser is satisfied that the claimant is taking steps towards gaining employment as set out in the sbwa notification letter and JSaG, then payment can be authorised without signing the ES24JPsbwa. Form ES24JPsbwa should be signed when the claimant next visits the office.
67. 18 year old JSA claimants undertaking sbwa PET must continue to be available and actively seeking employment in accordance with their Jobseeker’s Agreement. This applies whether the provision is part-time or



full-time. The normal rules for attending an Employment Related Course in this case (maximum of 2 weeks in any 12 months) - claimants may be treated as available and actively seeking employment where full time training is undertaken, otherwise normal part-time study rules apply.

**Procedures for payment of expenses for sbwa claimants.**

- 68. JCP will pay claimant's travel, childcare and replacement care costs. Exceptionally, reasonable adjustment can also be considered by JCP in accordance with existing guidance.
- 69. Payments should be made by Direct Payment or cheque payment through Purchase to Pay in Shared Services, using RM1. However, if there is a need for immediate payment then a local cheque or cash payment can be issued by the finance officer. sbwa authorisation/payments forms should be used for this as outlined in this guidance. Normal RM procedures apply.
- 70. Record all expenses payments issued to participant on form sbwaExp 6.

**Travel costs**

- 71. If the claimant has travel expenses complete sbwaT/ExpAuth to authorise payment.
- 72. Travel expenses will normally be paid in arrears using form sbwa T-ExpReimb.
- 73. If the claimant needs travel expenses in advance, use form sbwa T/Exp adv. Advise the participant that should they fail to attend, they will be required repay any overpayment to Jobcentre Plus.
- 74. Tell the claimant to inform you immediately if the amount of daily fares increases. If you agree that the daily rate for expenses needs amending, complete section 4 of form sbwaT/ExpAuth, and inform the customer.
- 75. Travel Warrants may be used – normal procedures apply.
- 76. sbwa payment codes for travel can be found on ACME. All sbwa participants should be classed as “mainstream” when selecting options on ACME to ensure the funding is drawn down from the Get Britain Working pot of funding.

**Childcare costs**

- 77. If the claimant claims childcare costs, you should follow procedures and use forms outlined in the Flexible Support Fund guidance para 23-26. Please note that sbwaExp 6 should be used instead of form VP3. Ensure sbwa ACME codes are selected. All sbwa participants should be classed as “mainstream” when selecting options on ACME to ensure the funding is drawn down from the Get Britain Working pot of funding. Normal RM procedures apply.

**Replacement care costs.**

- 78. If the claimant claims replacement care costs, follow procedures and use forms outlined in the Flexible Support Fund guidance para 58-61. Please note that sbwaExp 6 should be used instead of form VP3. Ensure sbwa ACME codes are selected. All sbwa claimants should be classed as “mainstream” when selecting options on ACME to ensure the funding is

drawn down from the Get Britain Working pot of funding. Normal RM procedures apply.

### **Reasonable Adjustment**

79. Providers and employers would normally be expected by law, to arrange and fund any reasonable adjustments. However where these costs cannot be met from any other source JCP can consider meeting these costs. If exceptionally this is the case, ensure sbwa ACME codes are selected. All sbwa participants should be classed as “mainstream” when selecting options on ACME to ensure the funding is drawn down from the Get Britain Working pot of funding.

### **Overpayment of expenses - recovery Action**

80. If the claimant is overpaid expenses, issue:

- for PET - sbwaPETOVpt 1 letter
- for WEP - sbwaWEPOVpt 1 letter

81. Record this in LMS ‘**Conversations**’ and set a LMS workflow prompt to review after 14 calendar days.

82. If, after 14 days, no reply has been received to the sbwaPET/WEPOVpt 1 a further reminder letter must be issued:

- For PET - sbwaPETOVpt 2 letter
- For WEP – sbwaWEPOVpt 2 letter

83. review after 7 days

84. If the claimant does not respond to the initial sbwaPET/WEPOVpt 2 your next action is dependent upon the size of the overpayment:

- Under £100 – the BM decides whether it is cost effective to continue pursuit of the overpayment or to seek write-off.
- £100 - £299 – send sbwaPET/WEPOVpt 2 letter at monthly intervals. If there is no response after 6 months the BM decides whether it is cost effective to continue pursuit of the overpayment or to seek write-off.
- £300 or over – continue to send sbwaPET/WEPOVpt 2 at monthly intervals. If there is no response after 12 months the BM decides whether it is cost effective to continue pursuit of the overpayment or to seek write-off.

### **Claimant is deemed not suitable by the employer or provider during sbwa**

85. Once the claimant agrees to participation in sbwa and receives a written notice detailing what is required of them by way of participation in the sbwa, attendance becomes mandatory. This is all three elements for JSA claimants and only PET for ESA (WRAG) claimants. However where the provider/employer decides partway through sbwa that it:

- is not suitable for the claimant;
- is not the most suitable course of action; or
- that they need something different first (e.g. support with other skills)

the attendance and participation requirement may be removed. If the claimant has been deemed as not suitable because they were deliberately demonstrating behaviour that would make them unsuitable, then “failed to participate” action would be applicable.

86. Update LMS to show the changes

87. Issue sbwa sbwa 05 (JSA), sbwa 05 (ESA vol) or sbwa 05 (ESAm) to the claimant informing them that the requirement to participate has ended.

### **Claimant does not start/complete PET – JSA and ESA (WRAG)**

88. Once the claimant agrees to participation in sbwa and receives a written notice detailing what is required of them by way of participation in the sbwa, PET becomes mandatory. However please see exceptions. If the claimant does not start or fails to complete PET (and this is not because the provider states the claimant is no longer suitable):

- obtain written notification from the provider using sbwaPETDMA4
- issue sbwa03FTP(JSA) / sbwa04FTP (ESA) to claimant to give them the opportunity to show good cause for FTP. Give the claimant 5 days to return this.
- discuss feedback received from provider/employer with claimant
- for JSA claimants, if you do not consider the claimant can be treated as straight forward, refer to the decision maker on sbwaDMA5. sbwa AR codes are set out in the sanction information.
- For ESA(WRAG) claimants, if the claimant does not show good cause, refer to the decision maker on sbwaDMA5. sbwa AR codes are set out in the sanction information.
- If you consider there is good cause for non-participation, issue the claimant sbwa 05 (JSA) sbwa 05 (ESA vol) or sbwa 05 (ESAm) to release them from the requirement to attend the sbwa.
- Note: even when referred to the decision maker, the claimant is still required to attend sbwa. If they refuse then a further referral must be made to the decision maker.
- update LMS records
- adviser discretion should be used to consider re-engagement to the programme where appropriate (this may reduce the length of sanctions where JSA claimant has a 26 week sanction or lift sanctions for ESA(WRAG) claimants).
- consider other provision/support for claimant

### **JSA Claimant does not start/complete Work Experience Placement (WEP) or Guaranteed Interview (GJI)**

89. Once a JSA claimant agrees to participation in sbwa, WEP and GJI become mandatory. If the claimant does not start/fails to complete WEP or fails to attend GJI (and this is not because the provider states the claimant is no longer suitable):

- obtain verbal confirmation from the employer;
- issue sbwa03FTP(JSA) to claimant to give them the opportunity to show good cause for FTP. Give the claimant 5 days to show good cause.
- On reply from the claimant, consider their reasons for non-participation. The claimant can be Treated as Straightforward without referral to a decision maker provided they can show good cause for non-participation.
- If you consider there is good cause for non-participation, issue the claimant with sbwa 05 (JSA)to release them from the requirement to attend the sbwa.
- discuss feedback received from provider/employer with claimant
- if you do not consider the claimant can be Treated as Straightforward, refer to the decision maker on sbwaDMA5. sbwa AR codes are set out in the sanction information.
- Note: even when referred to the decision maker, the claimant is still required to attend sbwa. If they refuse then a further referral must be made to the decision maker.
- update LMS records
- adviser discretion should be used to consider re-engagement to the programme where appropriate (this may reduce the length of sanctions where JSA claimant has a 26 week sanction
- consider other provision/support for claimant

### **ESA (WRAG) Claimant does not start/complete WEP or GJI**

90.WEP and GJI are not mandatory for ESA (WRAG) claimants. If the claimant does not start/fails to complete WEP or fails to attend GJI:

- discuss feedback received from employer with the claimant
- update LMS records
- consider other provision/support for the claimant
- adviser discretion should be used to consider re-engagement to the programme

### **Re-engagement in sbwa**

91.It is expected that claimants will only complete one sbwa. However, if a claimant fails to participate in sbwa, advisers should consider re-engagement in the scheme. Advisers should ensure that the claimant is willing to complete sbwa before re-referring them to another. If they are unwilling to participate then sanctions will apply in the normal way.

92.If possible, where re-engagement is appropriate, the claimant should return to the original sbwa.

93.Where, due to time or other factors, it is not possible to return to the original sbwa, the claimant should re-engage with another sbwa at the point they left the original one. If this is not possible, then the claimant should start a new sbwa or be released from their obligation.

### **Claimant offered a job following GJI or at any time during sbwa**

- update LMS records
- consider help with work equipment and clothes
- consider in work credits
- consider other in work support for claimant
- consider and offer advice on Access to Work

### **Claimant not offered a job following GJI**

- update LMS records
- discuss feedback from employer with claimant
- consider alternative job matches within the sector
- look at transferable skills and consider job matches for other sectors with advertised vacancies.

### **Post sbwa support**

94. On completion of sbwa, if the participant has not secured employment there should be a period of adviser support in order to maximise their chances of coming off benefit before entering the Work Programme. In line with the claimant journey on the wider JCP Offer, entry into the Work Programme can be deferred for up to 3 months. However, if there is no likelihood of the claimant moving into a job in the near future, entry into the Work Programme should not be delayed.
95. Advisers should support the customer to take up employment with other employers in the sector. Alternatively the adviser should consider transferable skills acquired on sbwa which can be used for employment in other sectors e.g. customer service skills.

### **Sanction Regime**

96. The decision for a claimant to participate in a sbwa is voluntary but:
- once a JSA claimant has agreed to participate and has been referred to the sbwa, participation in all three elements becomes mandatory and subject to sanctions for non-participation.
  - once an ESA (WRAG) claimant has been referred to sbwa, participation in the PET becomes mandatory and subject to sanctions for non-participation. However, there are exceptions. For ESA (WRAG) claimants participation in the WEP and GJI is voluntary.
97. Claimants must be informed that participation in sbwa is voluntary but that once they agree to it, it will be mandatory and that failure to comply with what is required will be subject to sanctions.
98. If the claimant fails to comply, the provider or employer must be asked for immediate written notification on form sbwaPETDMA4/sbwaWEPDMA4.
99. Written notification should be passed immediately to a claimant's adviser to interview the claimant who will consider their reasons for non-participation.

Next steps depend on whether the participant is claiming JSA or ESA(WRAG).

### **sbwa Action Types, AR Codes and JSAPS codes**

100. New Action Types are

- FTP sbwa Doubt
- FTP sbwa Referral
- sbwa FT Undertake WRA Dbt
- sbwa FT Undertake WRA Ref

101. New AR Codes for DMAS:

- JSA/812, JSA/249/812 and JSA/812O
- ESAJSA/350 and ESAJSA/249/350

102. New AR Codes for LMS:

- JSA/812 & JSA/812/O – FTP sector-based work academies
- ESAJSA/350 – sbwa Failed to Undertake WRA

Note: Fail to participate covers actions including leaving voluntarily, misconduct, failed to attend.

103. Codes to use when using JSAPS dialogue 210 can be found in Guidance for DMAs.

### **Sanction Regime for JSA claimants**

104. Sanctions will be applied to claimants who fail to comply with the terms of the sbwa for the following:

- Failure to start PET
- Failure to attend PET
- Leaving PET voluntarily
- Dismissal from PET through misconduct
- Failure to start WEP
- Failure to attend WEP
- Leaving WEP voluntarily
- Dismissal from WEP through misconduct
- Failure to attend GJI

The above terms are referred to as 'fail to participate' for DMA purposes.

105. Participants will have the right of appeal against a sanction and hardship rules will apply.

### **Application of sanctions for JSA claimants following disallowance**

106. A 2 week sanction will apply if the claimant:

- has not had sanctions applied in the previous 12 months, and
- good cause has not been shown.

107. A 4 week sanction will apply if:

- this is the claimant's second or subsequent sanction in a period of 12 months, and
  - good cause has not been shown.
108. A 26 week sanction will apply if:
- the claimant has had two or more previous sanctions,
  - good cause has not been shown, and
  - a subsequent decision is made no more than 12 months after the date on which the reduced payments were made/applied/paid due to the last sanction.
109. Where a 26 week sanction applies and the claimant re-complies, the sanction will be:
- 4 weeks, or
  - 4 weeks plus a period which ends with the last day of the benefit week in which the claimant re-complies, whichever is longer.

### **Sanction Regime for ESA (WRAG) claimants following disallowance**

110. Decision Makers may decide to apply sanctions to claimants who fail to comply with the terms of the sbwa for the following:
- Failure to start PET
  - Failure to attend PET
  - Leaving PET voluntarily
  - Dismissal from PET through misconduct

### **Application and removal of sanctions for ESA(WRAG) claimants**

111. The sanction amount for failure to undertake (FTP) WRA can be found in the ESA Guidance
112. If the claimant re-engages in the programme (at the discretion of the adviser) then the sanction will be lifted.

### **Forms and letters**

For blind or visually impaired claimants, normal procedures apply for requesting alternate formats.

### **Notification letters**

- sbwa01a(JSA) – for JSA claimants where PET within sbwa is for under 16 hours a week
- sbwa01(JSA) – for JSA claimants where PET is within sbwa is between 16 and 30 hours a week
- sbwa02(ESA)Action Plan – for ESA(WRAG) claimants (but not those in the “exceptions” group)
- sbwa02a(ESA)Action Plan – for ESA(WRAG) claimants in the “exceptions” group
- sbwa notification confirmation slip

**Expenses forms**

- sbwa T/Exp Auth (to authorise travel expenses)
- sbwa T/Exp adv (advance)
- sbwa T-Exp reimb (reimbursement)
- VP11CC (notification to childcare provider)
- VP4CC (payment of childcare expenses)
- VP10 (replacement care declaration of eligibility)
- VP4RC (payment of replacement care costs)
- sbwaExp6 – to record payments

**Jobsearch Review form**

- ES24JPsbwa – for JSA customers taking part in PET of 16-30 hours

**Non-participation and DMA forms**

- sbwa03FTP(JSA) – failed to participate (JSA claimants)
- sbwa04FTP(ESA) – failed to participate (ESA claimants)
- sbwaPETDMA4 – notification claimant non-participation PET
- sbwaWEPDMA4 – notification claimant non-participation WEP
- sbwaDMA5 – referral to decision maker for non-participation in sbwa
- sbwa 05 (JSA) – letter to release JSA claimant from requirement to attend sbwa
- sbwa 05 (ESA vol) – letter to release ESA (voluntary) claimant from requirement to attend sbwa
- sbwa 05 (ESAmam)– letter to release ESA (voluntary) claimant from requirement to attend sbwa

**Overpayment letters**

- sbwaPETOvpt 1 – initial overpayment letter for claimant overpaid expenses for PET
- sbwaWEPOvpt 1 – initial overpayment letter for claimant overpaid expenses for WEP
- sbwaPETOvpt 2 - reminder overpayment letter for claimant overpaid expenses for PET
- sbwaWEPOvpt 2 -reminder overpayment letter for claimant overpaid expenses for WEP