

Mandatory Work Activity

Background

1. Mandatory Work Activity (MWA) is part of the menu of support available to help Jobseekers Allowance (JSA) claimants as part of the Jobcentre Plus Pre “Work Programme” Offer. This over-arching offer ensures that claimants receive the personalised, responsive support that they need to find employment.

2. It is recognised that whilst the vast majority of JSA claimants engage with the support available to them and make every effort to find work, there are a few who, for a variety of reasons, fail to demonstrate the focus and discipline necessary to seek out, secure and retain employment opportunities.

3. MWA, delivered under Section 17A of Jobseeker’s Act 1995, aims to tackle this particular issue.

NB Under Section 17A of Jobseeker’s Act 1995 the Secretary of State may require claimants to participate in prescribed schemes that are ‘*designed to assist them to obtain employment*’. It is, therefore, imperative that in all communications (written and verbal; internal and external) MWA is described in line with DWP legislation and policy i.e. MWA is designed to help our JSA claimants find work; it is **not** a punitive measure.

District implementation

4. In each Contract Package Area (CPA) there is a strict annual limit on the number of claimants the provider can take on to MWA provision. Districts within a CPA must, therefore, work together to manage referral numbers. Due to commercial constraints and ministerial commitments, it is **not** possible for Districts to buy additional places from their flexible funds.

5. The limited number of places available and the mandatory nature of the provision make it imperative that District Management Teams (DMT) implement processes to support MWA which are both effective and transparent.

6. The ‘identification’ process adopted must be seen to be both fair and reasonable, and ensure that no claimant is referred to MWA without the Advisory Team Manager having been consulted eg a ‘case conference’ approach.

7. DMT have a key role in ensuring that, at all levels, MWA messaging conforms to policy intent - see ‘background’ section of this guidance.

8. DMT are also responsible for ensuring that their MWA provider has nominated contacts for raising absence related issues. The nominated contact(s) must be familiar with the Labour Market Conditions Guide and able to make decisions (e.g. whether to ‘treat as straight forward or not) promptly and accurately in regard to issues including:

- periods of sickness
- domestic emergencies
- easements for parents

9. It is also important for Districts to obtain regular MI and ensure that formal Provider Engagement Meetings are set up with the MWA provider.

The provision

10. Mandatory Work Activity gives JSA claimants identified as most in need of support, an opportunity to develop skills, disciplines and behaviours that we know are widely valued by employers and that can help them in seeking employment.

11. The vehicle for this will be work-based placements delivered by external providers under contract to DWP. For those referred to a placement, their participation is mandatory. The Jobseeker's Allowance (Mandatory Work Activity Scheme) Regulations 2011 support the mandatory nature of MWA.

Features

12. The placements sourced by the provider will:

- last for 4 weeks
- be for 30 hours per week, unless restrictions apply, so allowing the claimant time to meet their actively seeking obligations
- be reduced in line with any restrictions a claimant might have on their Jobseeker's Agreement (JSAg). In such circumstances, placements will take up 75% of the time a claimant is available for work
- be of benefit to the local or wider community
- be additional to any existing or expected vacancies the host organisation might have

13. MWA participants will continue to claim JSA and attend Jobsearch Reviews

14. The provider will meet the costs incurred by the claimant in attending the MWA placement. This will include travel, childcare and replacement adult care costs. The provider will also meet any additional support costs necessary to allow disabled people to participate fully.

Identifying claimants suitable for MWA

15. A JSA claimant potentially suitable for MWA is one identified through the work targeted interview process, supported by use of the Customer Assessment Tool, as lacking, or failing to demonstrate, the focus and discipline that is necessary to effectively:

- seek out and pursue job opportunities
- secure and retain employment

16. MWA **may** be beneficial for a claimant that has recently received a labour market related sanction/disallowance, providing an opportunity for them to develop the skills, disciplines and behaviours sought by employers.

17. Given the policy intent of MWA, the following claimants must **not** be considered for referral to MWA:

- currently working (paid or voluntary)
- undertaking employment related study / training
- taking part in or recently completed* another employment measure (contracted or non-contracted) aimed at helping them move closer to the labour market

(* A claimant 'dropping-out' of an employment measure prematurely may, or may not, indicate a lack of focus and discipline on their part; it is for Advisory Teams to consider the merits of MWA referral on a case by case basis).

18. MWA must **not** be used as an alternative means of addressing conditionality doubts. If there are doubts about a claimant meeting JSA conditionality (i.e. availability and actively seeking) those doubts must be addressed appropriately.

19. If a lack of recent work experience is proving to be a barrier to finding work for an otherwise well-focused claimant, Advisory Teams must seek to address this through appropriate measures eg Work Together; MWA is **not** an appropriate measure in such cases

20. The final decision on a claimant's suitability for MWA is one that **must** be made in consultation with an Advisory Team Manager eg a 'case conference' approach.

21. To provide the necessary audit trail, a record must be kept of the consultation meeting (e.g. as an LMS conversation).

Introducing MWA to claimants

22. A referral to MWA must never come as a surprise to a claimant. If a claimant's circumstances suggest that they may be suitable for MWA, the adviser must:

- explain to the claimant that they are being considered for referral and the reasons why i.e. to develop skills, disciplines and behaviours that are widely valued by employers and that can help them in seeking employment.
- provide an overview of the provision to the claimant
- explain to the claimant that the case for referring them will be discussed with the Advisory Team Manager in line with district implementation protocols to support MWA
- explain to the claimant that if they are subsequently referred to MWA, their participation will be mandatory
- record, as an LMS conversation, that the discussion with the claimant has taken place and the reasons cited for considering an MWA referral

NB The language and tone used when discussing MWA with claimants is crucial. MWA must **never** be used as a threat or portrayed as a punitive measure.

Referral process

23. The decision to refer a claimant to MWA provision must be seen to be fair and reasonable; it **must** have been made following consultation between the claimant's Personal Adviser and Advisory Team Manager (see 'district implementation' section of this guidance) and the fact that the consultation took place must be recorded (e.g. as a LMS conversation).

24. Because it takes time to follow the necessary local protocols, it is vitally important for the Personal Adviser to confirm, by review of the Customer Assessment Tool for example, that the reasons for considering referral in the first instance remain valid.

25. If the reasons remain valid, before referring the claimant to the MWA provider the Personal Adviser must check that there is nothing to prevent the claimant from completing 4 consecutive weeks on provision e.g. holiday arrangements, jury service etc. The referral must be deferred if the claimant cannot undertake 4 consecutive weeks on provision.

26. The referral must be made within an adviser interview (a flexible intervention interview should be used). MWA is supported by PRaP and advisers must be familiar with PRaP Referral Guidance.

27. The adviser undertaking the referral must take the following actions:

Step	Action
1	Explain to the claimant: <ul style="list-style-type: none"> • why they are being referred • that the case for referring them has been discussed, and agreed, by the Advisory Team Manager • what the provision entails • how we expect them to benefit from the provision • that any travel and/or care costs they incur will be met by the provider
2	Ensure that the claimant's JSAg and Action Plan are fully up-to-date
3	Record the referral on LMS via the 'Mandatory Work Activity – Initial Ref ' opportunity. NB1 Ensure MAPPA guidance is followed in appropriate cases NB2 Separate procedures apply to Special Customer Record cases
4	Discard the LMS generated referral letter and, instead, issue the claimant the clerical notification letter MWA 05/MWA 05W. Explain its contents ensuring that the claimant fully understands that: <ul style="list-style-type: none"> • the provision is mandatory and the consequences of non-attendance • the MWA provider will contact them directly within 10 days to give them full details of the placement arranged • they must continue to follow the steps to find work as set out in their Jobseeker's Agreement • they must continue to attend fortnightly Jobsearch Reviews (NB at adviser discretion, the claimant's signing time, but not day, can be rearranged to fit better with attending MWA. Similarly, any requirement to attend weekly can be waived during the MWA period) • they must inform their Advisory Services Team if they need to change their signing time once details of their placement are known NB Although the MWA 05 letter must be issued to the claimant, it is not the letter that contains the text necessary to support the mandatory nature of the provision. That text will be contained in a letter, issued by the provider, giving the claimant the details of their placement.
5	Record, as an LMS conversation, that letter MWA 05 has been issued to the claimant (without a proper audit trail, any future Decision Making and Appeals activity may well be compromised).
6	Alert the provider to issues which impact upon the claimant's

	<p>participation:</p> <ul style="list-style-type: none"> • restricted availability • care requirements • additional support needs for claimants with a disability • penalties imposed by the legal system (if a claimant is attending regular probation interviews, completing community service hours or subject to curfew restrictions the provider will manage placement arrangements accordingly)
7	Make arrangements (e.g. LMS workflow) to follow-up the referral including a 12 working day check to ensure the provider has met their contractual obligations.

12 day check

28. Twelve working days after the referral has been made, the adviser must check, via LMS, if the provider has updated the referral.

29. If LMS is showing a result against the referral there is no need to contact the provider. However, if no result is showing on LMS, the adviser must contact the provider after first checking the claimant's claim status:

- If the JSA claim has been closed, the adviser must inform the provider and instruct the provider to update PRaP accordingly.
- If the JSA claim remains open, the adviser must contact the provider to discuss the circumstances of the case. If the provider is unable to give a start date, the adviser must consider escalating the issue to the Third Party Provision Manager.

Special Customer Records (SCR)

30. SCR cases must be handled by the JCP Nominated Officer in line with National guidance.

31. In respect of MWA, the JCP Nominated Officer is responsible for:

- Letting the MWA provider's nominated contact know, by telephone, to expect a clerical referral form SL2 in respect of a SCR claimant
- Stressing, to the provider, the importance of following the SCR process set out in Provider Guidance
- Completing and sending an SL2 form to the provider's nominated contact
- Advising the Third Party Provision Team (TPPT) that a clerical referral to MWA has been made – this enables TPPT to manage referral numbers effectively.
- Obtaining, within 12 working days of the referral, full details of the claimant's placement from the MWA provider
- Notifying the claimant, by telephone, of the placement details and consequences of not attending
- Printing the 'referral to placement' letter held on the District provision Tool, completing the relevant fields, issuing it to the claimant and noting the issue of the letter on the claimant's clerical record

- On-going liaison with the provider's nominated contact in respect of SL2 completion, DMA action, provision end dates etc to meet the requirements of MWA.

Claimant absences from MWA

32. If a claimant fails to attend their MWA placement the provider will ring a nominated Jobcentre Plus contact (District Implementation section refers)
33. In cases where a claimant has breached the permitted number / duration of sickness or domestic emergency absences allowed under JSA regulations, the provider must be told to end the claimant's participation, update PRaP accordingly and inform the claimant to attend Jobcentre Plus.
34. Once the claimant's JSA status has been resolved, Advisory Teams will need to consider the appropriateness of returning the claimant to MWA provision.

Care related absences

35. There may be cases where a temporary change to a claimant's caring responsibilities (e.g. child excluded from school or hospitalised) means that although their claim position is not affected, it is no longer sensible to keep them on MWA.
36. Such decisions must be made locally based on the circumstances of the case (e.g. likely duration of the disruption) as discussed with the MWA provider. If it is agreed that participation should end, the provider must be told to inform the claimant and update PRaP accordingly.
37. Once the care issue is resolved, the Advisory Team will need to consider the appropriateness of returning the claimant to MWA provision.

Sanction regime

38. MWA participation becomes mandatory when the provider issues the claimant with details of their placement.
39. A claimant who fails to comply, without good cause, will be sanctioned for 13 weeks. A second such failure, within 12 months of the first sanction, will result in a 26 week sanction.
40. Sanctions imposed will continue to apply regardless of whether the claimant re-engages with the provision. A sanctioned claimant will have the right of appeal and be able to apply for JSA Hardship in line with existing guidance.
41. Referrals to Decision Making and Appeals Teams are made directly by the MWA provider; there is no involvement for Jobcentre Plus in the first instance. Information about the processes involved can be found in the Provider Guidance published on the DWP internet site.
42. The key issue for Advisory Teams is to consider the appropriateness of making a subsequent referral to MWA for those claimants who have been through the DMA process.

Subsequent referrals and 'balance of time'

43. Advisory Teams must be alert to claimants failing to start provision or leaving provision early.

44. The following covers the range of scenarios in which it might be appropriate to make a subsequent referral to MWA and whether such a referral should be treated as a further 'initial' referral or a 'balance of time' referral. It is important that advisers distinguish between the two and take care to make referrals via the correct LMS opportunity – any mix-up will create additional work, for both JCP and the provider, and may undermine the value of the MI being collected.

NB Within this process, Advisory Teams may, in some scenarios, identify issues with the application of the MWA sanction regime. Any such issues must be addressed appropriately ie with the DMA Team or, if it is felt the provider might not be fulfilling their obligations, with the Third Party Provision Team.

Claimant ceases to claim JSA between point of referral and start date of MWA placement

45. In this scenario the Advisory Team must ensure that the provider is aware of the claim closure reason and updates PRaP accordingly. The Advisory Team may also wish to record the circumstances of the case (e.g. as an LMS Conversation) so that should the claimant return to JSA, consideration can be given to returning them to MWA.

46. If the claimant returns to JSA, the Advisory Team **must** consider if it is appropriate to make a subsequent MWA referral; if it is, this must be treated as a further 'initial' referral.

Claimant does not start MWA placement and JSA claim continues

47. In this scenario Advisory Teams **must** consider if it is appropriate to make a subsequent referral; any such referral must be treated as a further 'initial' referral.

48. To ensure the full circumstances of the case are taken into account, the consideration process must not commence until the DMA outcome (i.e. sanctioned or not) is known.

49. A claimant serving a sanction can be referred to MWA if the Advisory Team feels it appropriate to do so. For those claimants serving a 26 week MWA sanction, the Advisory Team must consider carefully the issues attached to making a further referral and the timing of any such referral.

Re-referring a claimant serving a 26 week MWA sanction

50. A key factor in determining next steps is the claimant's attitude / response to the 26 week sanction.

51. If the indications are that the claimant will now engage with MWA then an immediate further referral will, in all likelihood, be appropriate.

52. If, however, the indications are that the claimant would still not engage effectively, Advisory Teams must take a wider range of factors into consideration.

53. A claimant's persistent refusal to engage with MWA should certainly give the Advisory Team cause for concern about the claimant's availability for employment. Such concerns must be explored rigorously and appropriate action taken before a subsequent MWA referral is considered.

54. Advisory Teams should also be asking themselves if the claimant's refusal might indicate fraudulent activity; again, this should be explored and, where

appropriate, tested (eg via More Frequent Attendance) before a subsequent MWA referral is considered.

55. Advisory Teams should also consider the impact a further referral, for a claimant they believe will not attend and who is already serving a 26 week MWA sanction, will have on the MWA provider and their ability to deliver the programme.

56. For each referral made, the provider must invest resources in sourcing a suitable placement and call upon the goodwill of a third party organization to host that placement. This means that a claimant failing to start their placement impacts on the resources available to the provider to invest in delivering the programme in more general terms, as well as on the host organization's willingness to host further placements, which is vital to effective delivery of MWA.

57. This guidance does not seek to prescribe when Advisory Teams should stop making subsequent MWA referrals for a particular claimant. Rather, it seeks to ensure that in cases where a claimant is already serving a 26 week sanction as a result of failing to attend MWA, and still shows no willingness to engage with the provision, Advisory Teams ensure that all other avenues have been explored and that they balance the benefit of making a further referral against the wider impact and costs (financial and reputational) of doing so.

Claimant ceases to claim JSA after placement start date but didn't actually start MWA placement

58. In this scenario the provider should have instigated DMA action at point the claimant failed to start the placement. Advisory Teams must, therefore, be alert to any reserved DMA decision attached to the claim (DMA paperwork should have been sent to JCP office for retention) and ensure appropriate action is taken (i.e. re-referral to DMA if new claim is made within 12 months of previous claim ending).

59. Once any doubt has been cleared (i.e. sanctioned or not), the Advisory Team **must** consider if it is appropriate to make a subsequent MWA referral; any such referral must be treated as a further 'initial' referral.

Claimant ceases to claim JSA after starting MWA placement

60. In this scenario the Advisory Team must ensure that the provider is aware of the claim closure reason and updates PRaP accordingly. The Advisory Team may also wish to record the circumstances of the case (e.g. as an LMS Conversation) so that should the claimant return to JSA, consideration can be given to returning them to MWA.

61. If the claimant returns to JSA the Advisory Team **must** consider if it is appropriate to make a subsequent MWA referral. If it is, the way in which a claimant is referred will depend on the time between the claimant ending provision and the date of subsequent referral:

- If the referral date is 14 days or more after the provision end date, this must be treated as a further 'initial' referral i.e. via 'Mandatory Work Activity – Initial Ref' opportunity type on LMS
- If the referral date is less than 14 days after the provision end date, the referral will be for 'balance of time' and made via the 'Mandatory Work Activity – Re-Referral' opportunity on LMS

62. Advisory Teams must be mindful of any reserved DMA decision attached to the claim and take appropriate action.

Balance of time

63. Balance of time is the remaining amount of time a claimant should spend on MWA in situations where they have left their placement before completing the full 4 weeks of provision.

64. Balance of time is only appropriate in cases where there is less than 14 days between the previous end date and latest referral date. If 14 or more days have elapsed, any subsequent referral will again be treated as an initial referral and be for the full 4 weeks.

65. Balance of time referrals must be for full weeks; therefore, the minimum period for balance of time will be one week.

66. In establishing the balance of time to be served, part-weeks spent on provision are treated as full weeks. If, for example, a claimant spent 1 week and 2 days on provision, the balance of time to be served is 2 weeks.

67. When making a balance of time referral, the adviser must take the following actions:

Step	Action
1	Explain to the claimant why they are being returned to the provision and the time to be spent on placement.
2	Ensure that the claimant's JSAg and Action Plan are fully up-to-date
3	Record the referral on LMS via the 'Mandatory Work Activity – Re-Referral' opportunity NB Separate procedures apply to Special Customer Records cases
4	Discard the LMS generated referral letter and, instead, issue the claimant the clerical notification letter MWA 05 / MWA 05W and explain its contents ensuring that the claimant fully understands that: <ul style="list-style-type: none"> • the provision is mandatory and the consequences of non-attendance • the MWA provider will contact them directly within 10 days to give them full details of the placement arranged • they must continue to follow the steps to find work as set out in their Jobseeker's Agreement • they must continue to attend fortnightly Jobsearch Reviews (NB at adviser discretion, the claimant's signing time, but not day, can be rearranged to fit better with attending MWA. Similarly, any requirement to attend weekly can be waived during the MWA period) • they must inform their Advisory Services Team if they need to change their signing time once details of their placement are known
5	Record, as an LMS conversation, that letter MWA 05 has been issued to the claimant (without a proper audit trail, any future

	Decision Making and Appeals activity may well be compromised).
6	Tell the provider the balance of time to be served and alert them to issues which impact upon the claimant's participation: <ul style="list-style-type: none"> • restricted availability • care requirements • additional support needs for claimants with a disability • penalties imposed by the legal system (if a claimant is attending regular probation interviews, completing community service hours or subject to curfew restrictions the provider will manage placement arrangements accordingly)
7	Make arrangements (e.g. LMS workflow) to follow-up the referral including a 12 day check to ensure the provider has met their contractual obligations.

Claimant leaves MWA provision early and JSA claim continues

68. In this scenario the Advisory Team must consider if it is appropriate to make a subsequent referral. To ensure the full circumstances of the case are taken into account, the consideration process must not commence until the DMA outcome (i.e. sanctioned or not) is known.

69. A claimant serving a sanction can be referred to MWA if the Advisory Team feels it appropriate to do so.

70. If the Advisory Team feels that the claimant remains a suitable candidate for MWA, the way in which they are referred will depend on the time between the claimant ending provision and the date of subsequent referral:

- If the referral date is 14 days or more after the provision end date, this must be treated as a further 'initial' referral i.e. via 'Mandatory Work Activity – Initial Ref' opportunity type on LMS
- If the referral date is less than 14 days after the provision end date, the referral will be for 'balance of time' and made via the 'Mandatory Work Activity – Re-Referral' opportunity on LMS

Claimant transfers their JSA claim to another office

71. If the claimant has been referred to MWA but not yet started their placement, the provider must be informed and told to update PRaP with a 'did not start' outcome. The Advisory Team at the new office must decide if the claimant is suitable for MWA.

72. If the claimant has started their MWA placement the action to take will depend on where they have moved to.

73. If the claimant's new office is within the same provider Contract Package Area (details of a provider's CPA will be held by Third Party Provision Teams), the provider must be informed of the change and advised to source a suitable placement for the remainder of the MWA period unless the existing placement is within acceptable travelling distance for the claimant.

74. If the claimant's new office is outside the provider's Contract Package Area, the provider must be informed and told to end the current placement.

The Advisory Team at the new office must decide if the claimant is suitable for MWA – any referral would be for the full 4 weeks.

Unacceptable claimant behaviour

75. If a claimant who is participating in MWA displays potentially violent behaviour in their dealings with Jobcentre Plus, the MWA provider must be notified.

76. In most cases the claimant's placement will not be affected, but the notification is required to facilitate and inform the provider's risk management measures.

77. Similarly, MWA providers will notify Jobcentre Plus of any unacceptable claimant behaviour whilst they are on placement. Any such notifications must be referred to the Nominated Manager, usually the Jobcentre Manager.

New claim with reserved MWA DMA decision

78. If a claimant referred to MWA ends their JSA claim after starting, but not completing, their placement or ends it shortly after they were due to start but failed to do so, the Jobcentre should be holding paperwork relating to a reserved DMA decision.

79. If that claimant then makes a new JSA claim within 12 months of the previous claim end date, the case papers must be referred back to the DMA Team.

80. Any thought of referring such claimants to MWA must wait until the DMA outcome is known.

Claimants completing MWA

81. When a claimant completes their placement satisfactorily, in addition to updating PRaP the provider will also give the Advisory Team feedback on the claimant's participation.

82. The feedback form should be received within 10 days of the completion date and will document the claimant's activities during their placement, verify their attendance and note any skills developed.

83. It is recommended as good practice for Advisory Teams to share the feedback with the claimant and discuss next steps.