

Jobseeker's Directions

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.

Introduction

3. A Jobseeker's Direction mandates a claimant, under risk of a sanction, to undertake a specific course of action that the adviser deems would assist the claimant to find, or improve their ability to find employment.
4. A Jobseeker's Direction is a legal requirement and is supported by regulations.
5. This is distinct from:
 - Actively Seeking Employment, which is one of the basic conditions of entitlement for Jobseeker's Allowance; and
 - Refusal of Employment (RE). That is, those who, without good reason, refuse or fail to apply for or accept a job notified to them by Jobcentre Plus.
6. A Jobseeker's Direction must only be issued if it is reasonable for the claimant to undertake the activity.
7. A Jobseeker's Direction would usually be considered when a claimant does not voluntarily undertake a particular action, which will improve their prospects of finding work.
8. Where a claimant initially refuses to undertake a particular action, every effort should be made to persuade them to participate before issuing a Jobseeker's Direction. If the claimant refuses, or is reluctant to undertake the action, their reasons should be discussed with them to identify any underlying issues, or anything that makes it harder for them to look for work.
9. A Jobseeker's Direction can be used immediately if the adviser feels doing so would be beneficial to the claimant.

Example

A claimant is reducing their chances of finding work by looking for office work when they do not have a bank account. As any salary would be paid into a bank account, the use of a Jobseeker's Direction to require a bank account to be opened would be appropriate.

However, a claimant looking for manual work is less likely to be paid into a bank account. It would therefore be unreasonable to issue a Jobseeker's Direction to open a bank account.

Appropriateness of a Jobseeker's Direction to the claimant

10. When considering whether issuing a Jobseeker's Direction is reasonable, there are a number of factors to be taken into account. Advisers must:

- have a full understanding of the claimant's circumstances;
- be aware of what action the claimant has already undertaken;
- know why the claimant does not want to do the particular activity;
- be sure that the particular activity has due regard to the claimant's circumstances, making it achievable;
- ensure that where the claimant has undergone training of at least 2 months, for a particular type of employment, which ended within 4 weeks of a Jobseeker's Direction being issued, the direction **must not** relate to a different type of employment;
- check the action required is not within particular restrictions that apply during a Permitted Period; and
- take account of previously agreed availability restrictions.

When a Jobseeker's Direction should not be used

11. A Jobseeker's Direction should not be used:

- when a referral to a Decision Maker on another question would be more appropriate. For example:
 - Actively Seeking Employment; or
 - Refusal of Employment.
- as a means of filling programmes;
- as a means of meeting targets;
- where it might be seen as unlawfully discriminatory. An example of this could be where a Jobseeker's Direction requires action that goes against any religious beliefs held by the claimant; or
- to refer claimants to Work Clubs, Work Together, Enterprise Clubs, Sector-based work academies or Work experience, as these programmes are entirely voluntary.

12. It is important therefore, not to issue Jobseeker's Directions which may breach the requirements of the Equality Act 2010.

13. For example, Jobseeker's Directions which relate specifically to a claimant's:

- gender;
- religion; or
- nationality.

14. Similarly, if a Jobseeker's Direction would conflict with a conscientious belief that the claimant can show is sincerely held, it should not be given.

15. Where a claimant objects to the Jobseeker's Direction and the adviser considers that the objection does not make the action unreasonable, the question of good reason must be considered by the Labour Market Decision Maker.

Content of a Jobseeker's Direction

16. A Jobseeker's Direction must be:

- linked to an action to improve the claimant's chances of finding work;
- personalised and appropriate for that individual claimant;

- related to labour market activities;
- a one-off specific activity, which the claimant can reasonably be expected to perform;
- time bound and reviewed by the Personal Adviser or Assistant Adviser within 2 to 4 weeks; and
- given in writing.

17. It must:

- give full information about the activity. For example, details of:
 - the full name and address of the employer, or agency referred to;
- say exactly what the claimant must do. For example, visit, or send a CV to a specific employer, or a range of employers in a particular trade;
- give the date by which it must be done; and
- explain what will happen if they do not comply.

Creating a Jobseeker's Direction

18. The steps in the LMS User Guide are followed to create a Jobseeker's Direction on LMS.

Notifying a Jobseeker's Direction

19. A Jobseeker's Direction must be notified to the claimant in writing. LMS can be used to record a Jobseeker's Direction and produce a letter for the claimant. The letter contains standard paragraphs and spaces to enter specific details about the required activity.

20. A copy of each Jobseeker Direction issued is kept, to support any Decision Making Activity if the claimant fails to do what is required of them.

21. When issuing a Jobseeker's Direction, the claimant is informed:

- of the requirement, including that failure to undertake the action, without a good reason may result in a sanction being imposed;
- that they are required to attend an interview within the next 4 weeks, to review their actions; and
- that they must show evidence that they have undertaken the activity when they attend this interview.

22. Where the claimant accepts the Jobseeker Direction, a follow-up interview is arranged with their Personal Adviser or Assistant Adviser for a suitable time, as soon as possible after the activity should have been completed. The length of time allowed for the claimant to comply depends upon the nature of the activity but should be between 2 and 4 weeks.

23. If the claimant refuses to carry out the Direction, the case must be referred immediately to the Labour Market Decision Maker.

Follow-up

24. **Please note: By law** a Jobseeker's Direction must be followed up.

25. If the claimant fails to show evidence that the agreed action has been completed, contacting the provider or agency etc to which the claimant was directed should be considered.

26. A claimant can be asked to show their evidence in a certain way (such as by email) but cannot be required to do so and DMA action **cannot** be taken in this regard. For example, a claimant may be required to create a CV but they cannot be required to send that CV in by email. This is because the

legislation requires the claimant to do the labour market activity (that is, create the CV). It does not require them to provide the evidence of doing this in any particular way.

27. If the claimant presents evidence that they have undertaken the activity in another way (such as showing a paper CV) then the Jobseeker's Direction has been complied with.

28. This follow-up action should only take place to confirm if the activity was completed, if the provider or agency etc is likely to have a record of the activity the claimant was required to take.

29. All action should be noted against the particular Jobseeker's Direction on the claimant's LMS record, via the 'Directn' button.

30. If the claimant has not carried out the Jobseeker's Direction, or there is a doubt that they have not and they cannot show that they have undertaken the action(s), the case should be referred to the Labour Market Decision Maker.

Claimant Refuses or Fails to Comply with a Jobseeker's Direction

31. If a claimant refuses or fails to carry out a Jobseeker's Direction, the case must be referred to a Labour Market Decision Maker (LMDM) for a good reason decision, unless the claimant changes their mind.

32. There is no facility for the doubt to be treated as straightforward.

33. The claimant's reasons for refusing or failing to carry out the Jobseeker's Direction are obtained during the follow-up interview. If the follow-up interview has not yet taken place, the claimant is advised to provide their reasons, either in person, or in writing, if more appropriate.

34. A new referral is created on the LMS 'View referral/decision details' screen, using AR code JSA 718.

35. The following action is required on LMS:

Step	Action
1	The [Dec] or [NoDec] button is selected in the Client Details window. Note: If no previous DMA action has been taken, a New Referral/Decision Details window is displayed. If one or more is already held, [New] is selected.
2	The [Question] hotspot is selected
3	In the Question window, the appropriate options are selected. That is 'JSA' then 'Refuse/Fail Jobseeker Directn' from the drop down menu
4	The Source is recorded as appropriate
5	The Ref to is recorded as 'LM DMA Office'
6	[Save]

Face to face contact

36. If the claimant is present when the doubt is identified, the following action is taken:

Step	Action
1	The claimant's statement as to why they refused or failed to comply with the Jobseeker's Direction is recorded in DART. This must be a

	full record of their reasons.
2	The statement is checked, to determine if there are any other doubts, such as availability or actively seeking employment (ASE). If there are, the steps in Other Doubts are followed.
3	The information from DART is copied into the LMS notes box for the relevant decision, to ensure that details of the referral are maintained for reconsideration or appeal purposes.
4	If there are doubts about the claimant's availability or Actively Seeking, the action in Other Doubts is followed. Otherwise, the submission is sent to the LMDM using DART.

Telephone contact

37. If the claimant is not present when the doubt is identified, an attempt should be made to contact them by telephone.

Note: When contacting a claimant by telephone, using #1470 should be considered, so that the call details do not display as a private number.

38. To ensure a reasonable chance of acquiring the necessary information, two attempts should be made to contact the claimant by telephone.

39. If, despite two attempts the claimant cannot be contacted or they do not have a telephone number, they should be contacted in writing and asked to provide their reasons for refusing or failing to comply with the Jobseeker's Direction, either by attending the jobcentre or in writing.

40. If the claimant can be contacted by telephone their identity must be checked before their statement is gathered.

Written contact

41. It is preferable that claimants provide their reasons for refusing or failing to comply with a JSD either face to face or by telephone. However, if the claimant is not present when the doubt arises or cannot be contacted by telephone, they should be contacted in writing

42. The following action is taken:

Step	Action
1	Form ES589 is updated with the claimant's name and National Insurance number and the following introduction to the statement: 'I did not carry out the direction to ..(terms of direction) because
2	The Referral Notification Letter ES48S is printed from LMS
3	The ES589 and leaflet ESL48JP and the ES48S to the claimant and ask them to provide a statement of the reasons why they refused or failed to comply with the Direction.
4	The date of issue of the ES589 is recorded on the appropriate LMS 'View referral/decision details' screen, in the Notes and the entry initialled and dated.
5	An LMS Workflow for 7 calendar days from the date of issue is set.
6	The claimant is advised to provide their reasons for refusing or failing to comply with the JSD and that they have 7 calendar days to do so,
7	The claimant is advised that the case will be referred to the LMDM, either on the day they return form ES589 or in 7 calendar days,

	whichever is earlier.
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Action on return of the claimant statement

43. Claimants are allowed, by law, 7 calendar days to return the completed ES589. On its return, the following action is taken:

Step	Action
1	The appropriate LMS 'View referral/decision details' screen is used to record receipt of the ES589 in the Notes.
2	The reason provided by the claimant for refusing or failing to comply with the JSD is entered into DART. It is essential that the information provided on the ES589 is copied word for word.
3	The statement is checked for any indication of other doubts, such as availability or ASE. If there are, further information can be found in Other Doubts
4	The information from DART is copied into the LMS notes box for the relevant decision, to ensure that details of the referral are maintained for reconsideration or appeal purposes.
5	The submission is sent to the LMDM, using DART, for a good reason decision.

Claimant statement not received within 7 days

44. If the claimant has not returned the ES589 within 7 calendar days, and they are still claiming JSA, the following action is taken:

Step	Action
1	The appropriate LMS 'View referral/decision details' screen is selected and non receipt of the ES589 recorded in the Notes.
2	The fact that the claimant has not returned the completed ES589 after 7 days is recorded on DART.
3	The information from DART is copied into the LMS notes box for the relevant decision, to ensure that details of the referral are maintained for reconsideration or appeal purposes.
4	The submission is sent to the LMDM, using DART, for a good reason decision.

45. If the claimant has not returned the ES589 within 7 calendar days but they are no longer claiming JSA, referral to the LMDM is not appropriate. The Labour Market Unit (LMU) and LMS Conversations should be noted that action remains outstanding if the claimant reclaims.

46. The case must be referred to the LMDM if the claimant reclaims within 4 weeks of the last day paid and they have refused or failed to comply with a JD issued for any other reason.

47. In such cases, the LMDM will need to know why there was a delay in submission and the reason why the claim was terminated initially.

Submission action

48. Prior to submitting the case to the Labour Market Decision Maker (LMDM), it should be established whether the claimant is receiving benefit by using JSAPS dialogue JA504: General Enquiry.

Claimant in receipt of benefit

49. If a claimant in receipt of JSA, the case must be referred to a LMDM for a good reason decision.

50. The 'View Referral / Decision Details' screen on LMS is checked.

51. To ensure that details of the referral are maintained for reconsideration or appeal purposes, a check is made that all of the information from the DART referral has been copied from DART into the LMS notes box for the relevant decision.

52. The submission is sent to the LMDM using DART, to enable them to make a good reason decision. See the DMA Referrals Guide chapter for further information on what must be included in the submission.

53. It is explained to the claimant that a decision will be made on whether they had sufficiently good reason for refusing or failing to comply with the JSD.

They are informed that if it is decided that they did not have good reason, their JSA will be affected.

Credits only claimants

54. From 17 July 2012, a submission to the LMDM for an opinion decision **must not** be made for 'Credits only' claimants who refuse or fail to comply with a Jobseeker's Direction. Therefore as there is no consequence for refusing or failing to comply with a Jobseeker's Direction, Credits only claimants should not be issued with one.

55. However, jobcentres should check a claimant's reasons for refusing, or failing to comply with a particular action, to identify any availability and/or ASE doubts. Where a doubt exists, an availability and/or ASE referral should be made to the LMDM as appropriate.

Decision made by the Labour Market Decision Maker

56. The details of the decision will be automatically entered into the LMS 'Referral/Decision Details' screen once the LMDM has input their decision into DMAS.

57. The LMDM will email their decision notification to JSA Maintenance team from DMAS for action; therefore no further action is required in the jobcentre.

Note: If copies of the decision notification and/or case papers are received at the Jobcentre these should be retained for monitoring purposes.

- Where a LMDM decides the claimant did not have good reason, a lower level sanction will be applied on their JSA.

Hardship

58. Some claimants may be able to claim JSA Hardship when a Sanction has been imposed on their JSA. See JSA Hardship Awards for further information.

Reserved Decisions

59. A Decision Maker may decide to reserve a decision. This will normally be when a sanction is appropriate but cannot be imposed because the claimant is no longer claiming JSA.

60. In these cases the LMDM will send a DMAS produced notification to the Jobcentre advising them of this and at the same time, LMS will be automatically updated with this decision.

61. There is no input to JSAPS for reserved decisions.

62. The case must be re-referred to the LMDM, as a new referral on LMS, if the claimant reclaims within a timescale:

- as specified by the LMDM in their reserved decision; or
- equal to the maximum sanction period applicable for the case.

63. If a case is re-submitted and the claim was originally a joint claim for JSA, it is important to ensure that the details held on LMS are up to date. It should be established whether the claimant is still part of a joint claim and if so, full details of the other member at the time that the decision was made must be indicated in the referral.

Additional Information

Claimant changes their mind

64. If a claimant who originally refuses to carry out a JSD changes their mind, they have not refused to carry it out if they:

- can still achieve something by following the JSD; and
- notify an Employment Officer that they have changed their minds.

65. If a claimant who originally failed to carry out a JSD changes their mind, they have not failed to carry out the JSD if they:

- can still achieve something by following the Direction; and
- actually carry out the JSD.

Other Doubts

Availability and Actively Seeking Employment

66. If the reason given by the claimant for refusing or failing to comply with the JSD raises a doubt on their availability or ASE, a referral to the LMDM must be made, unless they can be treated as available and/or ASE. Further information can be found in the Availability and Actively Seeking Employment and the Treated as Available and Actively Seeking Employment chapters.

Refusal of Employment

67. Claimants should only be compelled to apply for a Job Vacancy using a JSD as a last resort.

68. Where a specific vacancy has been discussed with the claimant and they refuse or fail to apply for or accept it, refusal of employment action should be considered. Further information can be found in the Refusal and failure to apply for or accept employment chapter.

69.

Cancelling a Jobseeker's Direction

70. There may be occasions where a Jobseeker's Direction is:

- unreasonable, giving regard to the claimant's circumstances; or
- required to be carried out at a time when it cannot be carried out.

71. To cancel the Jobseeker's Direction, the LMS Client Directions details screen is cleared.