

Jobseeker's Directions

Summary

1. Jobseeker's Directions (JSD) can be used to support specific, one off activities that will help a claimant to find work or improve their prospects of finding work and that they can reasonably be expected to do.
2. This means that if the claimant doesn't do the required activity and doesn't show good reason, a benefit sanction will be applied.

Note: A sanction can only be imposed where the claimant fails, without good reason, to comply with a JSD which was fair, given their individual circumstances.

3. JSD must follow these criteria:
 - it must be personal to the claimant's circumstances
 - appropriate
 - specific
 - reasonable
 - time bound
 - contain full information
 - give clear details of what is required
 - contain an explanation of consequences
 - must not contain multiple elements
 - followed up as soon as possible after the date by which the activity was required to have been undertaken
4. Where the requirement to undertake a specific activity is supported by a JSD, it must be clear to the claimant why the activity is thought to be reasonable and the benefits of doing it.
5. If the claimant sees how the activity will help improve their employment prospects, they are more likely to undertake it. In all cases however, you should make it clear what will happen if they don't complete the activity without good reason.
6. A JSD must be:
 - personalised and appropriate given the claimant's individual circumstances
 - for a specific activity that will improve the claimant's employment prospects
 - something the claimant can reasonably be expected to undertake
 - time bound and reviewed within 2 to 4 weeks, and given in writing
7. It must also give full information about the required activity, for example:
 - the full name and address, including postcode, of any organisation involved
 - exact details of what the claimant is being required to undertake
 - the date by which it must be undertaken
 - tell them clearly what will happen if they don't complete the activity
8. Claimants can't be mandated to undertake an activity until they have served any waiting days. Although a JSD can be issued before this date, it must include a period during which the claimant is required to do it, starting with the date after any waiting days have been served.
9. All JSD issued must be followed up as soon as possible after the date by which the required activity should've been undertaken.
10. The claimant must show they have undertaken a JSD.
11. However, the means by which they show they have undertaken the activity can't be included within the JSD. In law, a JSD must be fair in terms of:
 - improving employment prospects, and
 - the claimant being able to do it (showing they have undertaken the activity falls into neither of these requirements)
12. Where the claimant refuses or fails to carry out a JSD, or can't show they have undertaken it, the case must always be referred to a Labour Market Decision

Maker (LMDM). The claimant's reasons for not doing the activity must be included in the referral.

13. One off activities supported by a JSD are in addition to the steps a claimant must do each week, to meet the Actively Seeking Employment entitlement condition.

When a Jobseeker's Direction must not be used

1. By law, the activity included in a Jobseeker's Direction (JSD) must:
 - help the claimant find work and, or
 - improve their chances of doing so
2. As long as one or both are met, JSD can be used to mandate claimants to undertake any action, unless the requirement to undertake that action is already supported in law.
3. Therefore, a JSD mustn't be used to:
 - refer a claimant to a programme supported by separate legislation. For example, when referring a claimant to the Work Programme (WP), the relevant and legally required referral notification (letter) must be used; or
 - make people attend an interview with a work coach. The requirement to attend these is supported by separate legislation and notifications such as the My Work Plan booklet, or advisory interview letter
4. Other circumstances when a JSD isn't appropriate are:
 - to make a claimant use the My Work Plan booklet or ES4 as the means of providing their work search evidence, as the means by which they do so is up to the claimant
 - to make a claimant apply for a notified vacancy (see Refusal of Employment action)
 - to make people attend an appointment. The requirement to attend these is supported by separate legislation and notifications such as the My Work Plan booklet, ES40 or advisory interview letter
 - for credits only claimants, as no penalty can be applied should they fail to comply
 - where it goes against any religious beliefs or sincerely held conscientious objection
 - to refer claimants to voluntary activities such as Work Clubs, Work Together, Enterprise Clubs, Sector Based Work Academies (SBWA), Work Experience
 - to direct claimants to take part in drug or alcohol treatment, or attend such talks, as these are also voluntary; or
 - when the activity is to take place on a day(s) which is a waiting day

Appropriateness of a Jobseeker's Direction

1. A sanction can only be imposed on a claimant's benefit where they don't have good reason for failing to comply with a Jobseeker's Direction (JSD) which was reasonable, having regard for their circumstances.
2. To meet these requirements, a JSD must be:
 - personalised and appropriate to that individual claimant
 - related to labour market activities
 - a one off specific activity, which the claimant can reasonably be expected to undertake
 - time bound and reviewed by the work coach within 2-4 weeks
 - given in writing
3. It must also give full information about the activity, including:
 - the full name and address (including postcode) of the employer, provider or agency referred to

- exactly what the claimant must do (for example, visit, or send a Curriculum Vitae (CV) either to a specific employer, or a range of employers in a particular trade)
- the date by which it must be done
- explain what will happen if they don't comply

Example 1:

- Paul has attended 3 job interviews recently but has been unsuccessful and this appears to be a regular pattern. He seems to get to the interview stage but no further.
- There's a Jobcentre Plus (JCP) course on 'Interviewing Techniques' that you feel will benefit Paul by improving his interview technique and so, improve his chances of finding work.
- Issuing a JSD to mandate him to attend is reasonable in Paul's specific case.
- Karen however, is failing to even get to the interview stage. She is meeting all her Actively Seeking Employment (ASE) requirements and applying for plenty of jobs but not being offered an interview.
- as the problem may be that her skills in completing application forms need improving, it would be reasonable and appropriate to mandate Karen to an activity to help her improve these skills.
- however, it's unreasonable to send her to the 'Interviewing Technique' course with her friend Paul at this time, even though there are available places on the course.

Reasonable

4. In addition to the activity helping the claimant find work or improve their chances of doing so, it must also be reasonable for the claimant to undertake it.
5. There are a number of things to consider to ensure that the JSD is reasonable:
 - does the activity relate to the type of work included on their claimant commitment
 - does the claimant have the skills and means of undertaking the activity
 - are there any restrictions to the claimant's period of availability
 - will the capability of the claimant to undertake the task be affected by any existing Actively Seeking Employment (ASE) steps or activities
6. Even though a specific activity is being supported by a JSD, it must be clear to the claimant why the activity is thought to be fair and the benefits of doing it. The claimant should see the benefits in terms of helping them improve their chances of getting a job and be willing to do carry out the required activity.
7. You must always tell the claimant what will happen if they fail, without good reason, to carry out the activity.

Type of Work

8. The activity to be undertaken must relate to the type(s) of work the claimant is looking for, or capable of doing, either directly or indirectly.
9. For example, requiring a claimant who is looking for work as a bricklayer or similar manual work, to attend a course on hairdressing wouldn't be reasonable, as this wouldn't improve their chances of finding work as a bricklayer.
10. Where the claimant has undertaken training of at least 2 months for a particular type of work, a JSD relating to a different type of work mustn't be issued within 4 weeks of that training ending.

Skills and Means

11. The claimant must have the skills and the available means, to enable them to do the required activity.

12. For example, it isn't reasonable to direct a claimant to create an account and upload a CV in Find a job or if more appropriate, another jobsite if they don't have the necessary Information Technology (IT) skills. Such limitations need to be addressed first.

Restrictions

13. You must take into account any restrictions on the claimant's period of availability that are in place, because of a health condition or caring responsibilities.
14. For example, a lone parent who has restricted their availability to their child's school hours mustn't be mandated to attend English as a Second Language (ESOL) course that is outside of, or spans those hours.

Other Steps

15. Consider whether any of the claimant's regular work search or other activities they are doing to improve their chances of finding work will affect their ability to undertake the activity within the JSD.
16. Similarly, if the claimant's ability to undertake their regular work search activities will be affected by the requirement to undertake this activity, consider amending their claimant commitment accordingly.
17. One way of being sure that the JSD is reasonable, is to think of any reasons the claimant might give for not doing it, that the Labour Market Decision Maker (LMDM) would accept.

Examples of good quality Jobseeker's Direction entries

Example 1

Direct Reason

To help you understand the opportunities available in the Childcare Sector, including Work Experience, Sector Based Work Academies (SBWA) and qualifications available

Details and Method of Achieving

Discuss Childcare Training for Work in Scotland opportunities in hairdressing at your interview with Mr Brown at 10.30am on 3 February 2017 at Anytown Training Centre, 5 High Street, Anytown, Scotland.
Skillspoint

Example 2

As you have attended a number of job interviews in the last two weeks, you have yet to be successful in securing work. You must attend and participate in a course on improving interviewing techniques on at.....

This will be held at: Anytown Community College, Anytown. By attending this session you will identify the elements you can improve and the tools, skills, or techniques to help you do so. You will provide evidence of this knowledge when you attend your interview with your work coach on

Example 3

To attend a careers choice pre-induction event at Kent Street Resource Centre on Wednesday 22 May 2016 at 10.30am.

Example of inappropriate or poor quality of Jobseeker's Direction entries

Example 1

I am directing you to undertake a course of training between the 23rd and 27th of September 2016 at Anytime College.

This needs to:

- be separated into 5 JSD
- include specific details of the course
- include start and end dates for each day of attendance

Example 2

I am directing you to complete a CV and email it to this office.

The means by which the claimant shows that they have complied with the Jobseeker's Direction can't be dictated. Additionally, the jobseeker's direction:

- needs to include a date by when the action is expected to have been completed
- must be specific about to where any evidence of its completion is provided

Example 3

I am directing you to sign a form, to confirm that you have been issued with an interview invitation.

A jobseeker's direction is not appropriate for this purpose, as the activity will not help the claimant find work, or improve their chances of doing so.

Jobseeker's Directions and Group Information Sessions

1. Before a Labour Market Decision Maker (LMDM) can make an informed decision to apply a sanction for non-compliance with a Jobseeker's Direction (JSD), they must be satisfied that the criteria for issuing a jobseeker's direction were met.
2. Therefore, as long as it can be demonstrated that each claimant's work search would have been helped, or that their chances of finding work would have been improved, a JSD can be issued, making attendance at a Group Information Session mandatory. If not, a JSD **mustn't** be issued and attendance at the Group Information Session remains voluntary.
3. Considering this, there must be a tangible outcome to the Group Information Session.
4. You will find examples of when a JSD, mandating attendance at a Group Session, would and wouldn't be appropriate below.

Example 1

- an external provider has been invited to deliver a Group Information Session, advising claimants how to create an effective Curriculum Vitae (CV)
- during the session, each attendee will create a CV, based on their own qualifications and work experience although Jason is IT literate, he doesn't have a CV
- as employers in the area of work he is looking for will expect one, as part of a vacancy application, his work coach feels he would benefit from this support
- in this situation, a JSD to make attendance at the Group Information Session mandatory would be appropriate, as it will improve Jason's chances of finding work and is reasonable to expect him to attend

Example 2

- a similar Group Information Session is being undertaken by jobcentre staff, to advise claimants how to create an effective CV but with no practical outcome, that is, no actual CVs are to be created
- as knowing how to create a good quality CV wouldn't, in itself, help the claimant find work, or improve their ability to find employment, it wouldn't be acceptable to issue a JSD to mandate the claimant to attend
- however, it may be appropriate to issue a separate JSD at the end of the session, to mandate a claimant to create one

Example 3

- although a number of claimants at a particular jobcentre are able to secure job interviews, they aren't successful in securing the vacancy.
- a Group Information Session is to be delivered to these claimants, giving them expert advice on techniques which may improve their chances of being successful
- the session will be in three parts;
 - an initial presentation
 - a 'mock' interview
 - feedback on each 'mock' interview
- as the inclusion of the 'mock' interviews allows them to demonstrate that they have understood and applied the advice, this tangible result means that using a JSD to mandate claimants to attend is appropriate
- a JSD wouldn't be appropriate without the 'mock' interview.

Multiple elements to a Jobseeker's direction

1. A Jobseeker's Direction (JSD) must be for a one off specific activity, which the claimant can reasonably be expected to do.
2. The law requires claimants to comply with a JSD, not individual actions within it. Therefore, the more elements to an activity, the greater the risk of the claimant not completing the whole activity and so, not complying with the JSD.
3. If claimants are mandated to do an activity with multiple elements, this isn't a correct use of the JSD. It would be considered unreasonable to expect a claimant to undertake multiple activities in one JSD, as this isn't in line with the intention in the regulations. So, if the required activity includes multiple elements, a JSD must be issued for each element.

Example

- if a claimant fails to attend day 3 of a 5 day course and the JSD included attendance for all 5 days, they have failed to carry it out as soon as they don't attend the third day without good reason.
- no action can be taken against the claimant if they don't attend the final two days. If they are still required to attend the two remaining days, a further JSD would need to be issued.
- in this situation, the correct action is to issue separate JSD for each day's attendance.

Creating a Jobseeker's Direction

1. Jobseeker's directions (JSD) are completed using the relevant Labour Market System (LMS) functionality.

Note: See the LMS User Guide.

Notifying a Jobseeker's Direction

1. A Jobseeker's Direction (JSD) must be given to the claimant in writing. The letter produced from the Labour Market System (LMS) contains standard paragraphs and spaces, to enter specific details about the required activity.
2. A copy of each letter issued is kept to support any decision making activity if the claimant fails to do what is required of them.
3. When issuing a JSD, the claimant is informed:
 - of the requirement to do the action and that failure to do so without a good reason may result in a sanction being imposed
 - they are required to attend an interview within the next 4 weeks to follow up the JSD

- they must show they have carried out the activity when they attend this interview
4. If at the time of issuing a JSD, the claimant says they aren't going to carry it out, the case is referred to a Labour Market Decision Maker (LMDM), together with the claimant's reasons for refusing to do it.
 5. Unless the circumstances above apply, a follow up interview is arranged and scheduled as soon as possible after the activity should have been completed. The length of time allowed for the claimant to carry it out depends upon the nature of the activity, but should be between 2 and 4 weeks.

Follow up

1. A Jobseeker's Direction (JSD) must by law be followed up.
2. If the claimant fails to show the agreed action has been undertaken, thought should be given to contacting others involved, for example, a provider or agency to which the claimant was directed.
3. A claimant can be asked to show their evidence in a certain way (such as by email) but can't be required to do so and Decision Making and Appeals (DMA) action can't be taken in this regard.
4. For example, a claimant may be required to create a Curriculum Vitae (CV) but they can't 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 doesn't require them to provide the evidence of doing this in any particular way.
5. If the claimant shows evidence that they have undertaken the activity in another way (such as showing a paper CV) then the JSD has been carried out.
6. If the activity to be carried out includes access to a provider or agency, this follow up action must only take place to confirm if the activity was completed, if the provider or agency is likely to have a record of the activity having been carried out.
7. All action must be noted against the particular jobseeker's direction on the stencil, or on the claimant's Labour Market System (LMS) record, via the 'Directn' button.

Claimant refuses or fails to comply with a Jobseeker's Direction

1. If a claimant refuses or fails to carry out or can't show they have carried out a Jobseeker's Direction (JSD), the case must always be referred to a Labour Market Decision Maker (LMDM).
2. The claimant's reasons for refusing or failing to carry out the JSD are included in the referral. If it becomes known that the claimant has failed to carry out the JSD before the follow up interview has taken place, the claimant is asked to provide their reasons, either in person, or in writing, if more appropriate.
3. A new referral is created on the Labour Market System (LMS) 'View referral/decision details' screen, using AR code JSA718.
4. The following action is required on LMS:

Step	Action
1.	Select the [Dec] or [NoDec] button in the 'Client Details' window.
Note: If no previous Decision Making and Appeals (DMA) action has been taken, a 'New Referral/Decision Details' window is displayed. If one or more is already held, [New] is selected.	

2.	Select the [Question] hotspot.
3.	Select the appropriate option below in the [Question] window: <ul style="list-style-type: none"> • JSA' • 'Refuse/Fail Jobseeker Directn' • 'The Source is recorded as appropriate
4.	Record the 'Ref to' as 'LM DMA Office'
5.	Select [Save]

Face to face contact

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

Step	Action
1.	Tell the claimant that a doubt has arisen on their claim for Jobseeker's Allowance (JSA) because they have refused or failed to carry out a JSD.
2.	Inform the claimant that the details will be passed to a Labour Market Decision Maker (LMDM) who will determine whether or not they had good reason for their refusal or failure and whether a sanction should be imposed on their benefit.
3.	Tell the claimant that if the LMDM decides a sanction should be applied then JSA can't be paid to them under the normal rules for the period of the sanction, but a payment may be made under the hardship rules. Those claimants who may get hardship must be told how to apply.
4.	Tell the claimant that if they are getting Housing Benefit (HB), this could be affected if a sanction is imposed on their JSA, so the claimant will need to check with their Local Authority (LA) (if their benefit is sanctioned) to make sure payment of HB continues.
5.	Print Referral Notification Letter ES48S from LMS.
6.	Note details of the claimant's statement as to why they refused or failed to carry out the jobseeker's direction in Decision and Automated Referral

	<p>Toolkit (DART).</p> <p>This must be a full record of their reasons.</p>
7.	Check the statement to decide if there are any other doubts, such as availability or Actively Seeking Employment (ASE). If there are, the steps in 'Other Doubts' are followed.
<p>Note: The information from DART is copied into the LMS notes box for the correct decision, to make sure that details of the referral are maintained for reconsideration or appeal purposes.</p>	
8.	If there are doubts about the claimant's availability or ASE, the action in 'Other Doubts' is followed. Otherwise, the submission is sent to the LMDM using DART.

Verifying the claimant's identity

6. If Signature Capture Service (SCS) is going to be used to capture the claimant's signature on the claimant commitment and/or the declaration of availability, the biometric check it undertakes acts as the verification of identity. No further action is necessary.
7. If SCS isn't in use because contingency arrangements are in place and verification of the claimant's identity hasn't been done during the claimant's attendance at the office, you must take the appropriate steps to verify the claimant's identity.

Telephone contact

8. If the claimant isn't present when the doubt is identified, an attempt must be made to contact them by telephone.

Step	Action
1.	If the claimant can be contacted by telephone their identity must be verified before their statement is gathered.
2.	Explain to the claimant that a doubt has arisen on their claim for Jobseeker's Allowance (JSA) because they have refused or failed to comply with a JSD.
3.	Inform the claimant that the details will be passed to a LMDM who will determine whether or not they had good reason for their refusal or failure and whether a sanction should be imposed on their benefit.

4.	Tell the claimant that if the LMDM decides that a sanction should be put on their benefit, JSA can't be paid to them under the normal rules for the period of the sanction but they may get a payment under the hardship rules. Those claimants who may get hardship must be told how to apply.
5.	Tell the claimant that if they are getting HB, this could be affected if a sanction is applied to their JSA, so they will need to check with their LA to make sure payment of HB continues.
6.	Print Referral Notification Letter ES48S from LMS, and send it to the claimant by post.
7.	Take a statement from the claimant using DART outlining their reasons for refusing or failing to apply for work. The claimant's reasons must be fully covered.
8.	Check the statement ensuring it shows if there are any other doubts to be considered, such as availability or Actively Seeking Employment (ASE). If there are then see, 'Other Doubts' for further information.
9.	Copy the information from DART into the LMS notes box for the relevant decision. This is to make sure that details of the referral are kept for reconsideration or appeal purposes.
<p>Note: DART is used to submit the case to the LMDM, for a good reason decision.</p> <p>Note: When contacting a claimant by telephone, using #1470 must be considered, so that the call details don't display as a private number. If you fail to make contact the first time you ring the claimant, you must try at least once more to give the best chance of getting the information you need.</p> <p>If you can't contact the claimant by telephone you should write to them asking for their reasons.</p>	

Written contact

9. It's better that claimants give their reasons for refusing or failing to carry out a JSD either face to face or by telephone. However, if the claimant isn't present when the doubt arises, or can't be contacted by telephone, they must be contacted in writing.
10. The following action is taken:

Step	Action
1.	Update form ES589 with the claimant's name and National Insurance Number (NINo) and the following introduction to the statement: 'I did not carry out the direction to... (terms of direction) because'
2.	Print the Referral Notification Letter ES48S from LMS
3.	Send form ES589 and the ES48S to the claimant and ask them to give a statement of the reasons why they refused or failed to carry out the JSD.
4.	Record the date of issue of the ES589 in the 'Notes' using the appropriate LMS 'View referral/decision details' screen and ensure the entry is initialled and dated.
5.	Enter an LMS workflow for 7 calendar days from the date of issue.
<p>Note: The claimant is told to give their reasons for refusing or failing to carry out the jobseeker's direction and that they have 7 calendar days to do so. The claimant is told that the case will be sent to the LMDM, either on the day they return form ES589 or in 7 calendar days, whichever is earlier.</p>	

Action on return of the claimant statement

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

Step	Action
1.	Record the receipt of form ES589 in the 'Notes' using the appropriate Labour Market System (LMS) 'View referral/decision details' screen.
2.	Record or type the reason given by the claimant for refusing or failing to carry out the Jobseeker's Direction (JSD) into Decision and Automated Referral Toolkit (DART).
<p>Note: It's essential that the information given on the ES589 is copied word for word.</p>	
3.	Check the statement ensuring it shows if there are any other doubts to be

	considered, such as availability or Actively Seeking Employment (ASE). If there are then see, 'Other Doubts' for further information.
4.	Copy the information from DART into the LMS notes box for the relevant decision. This is to make sure that details of the referral are kept for reconsideration or appeal purposes.
<p>Note: The submission is sent to the Labour Market Decision Maker (LMDM), using DART, for a good reason decision.</p> <p>If a clerical Jobseeker's Allowance (JSA) claimant commitment is in place, a copy must be included with the referral.</p>	

Claimant statement not received within 7 days

2. If the claimant hasn't returned the ES589 within 7 calendar days, and they are still claiming Jobseeker's Allowance (JSA), the following action is taken:

Step	Action
1.	Select the correct LMS 'View referral/decision details' to record non receipt of the ES589 in the 'Notes'.
2.	Record the fact that the claimant hasn't sent a completed ES589 back after 7 days on DART.
3.	Copy the information from DART into the LMS notes box for the correct decision.
<p>Note: This is to make sure that details of the referral are kept for reconsideration or appeal purposes.</p>	
4.	Send the submission to the LMDM, using DART, for a good reason decision.
<p>Note: If a clerical JSA Claimant Commitment is in place a copy must be included with the referral.</p> <p>If the claimant hasn't sent the ES589 back within 7 calendar days but they are no longer claiming JSA, don't send the case to the LMDM. The Labour Market Unit</p>	

(LMU) and LMS Conversations must be noted that action remains outstanding if the claimant reclaims.

The case must be sent to the LMDM if the claimant reclaims within 4 weeks of the last day paid and they have refused or failed to carry out a JSD issued for any other reason.

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

3. Before sending the case to the LMDM, you must find out:
 - if the claimant is getting benefit, by using Jobseekers Allowance Payment System (JSAPS) dialogue 'JA504: General Enquiry'
 - if the reason given by the claimant for their failure can be treated as straightforward

Claimant in receipt of benefit

Step	Action
1.	<p>If a claimant is getting JSA, the case must be sent to a LMDM for a good reason decision.</p> <p>However, before sending to the LMDM, the claimant must be issued with an ES48S letter, the issuing of which must be noted in LMS conversations at the time the doubt is identified.</p> <p>This is to support quality and compliance checks and confirms the claimant has been made aware of what happens next.</p>
2.	<p>Check the 'View Referral / Decision Details' screen, on LMS, to make sure that details of the referral are kept for reconsideration or appeal purposes.</p> <p>You must check that all of the information from the DART referral has been copied from DART into the LMS notes box for the correct decision.</p>
3.	<p>Send the submission to the LMDM using DART, to enable them to make a good reason decision.</p> <p>For further information see the DMA Referrals Instructions.</p>
Note: If the claimant has a clerical JSA claimant commitment a copy must be included with the referral.	
4.	<p>Tell the claimant that a decision will be made on whether they had enough good reason for refusing or failing to carry out the JSD.</p>

	Tell the claimant that if it is decided that they didn't have good reason, their JSA will be affected.
5.	If the claimant isn't in receipt of benefit, do not refer to the LMDM.

Treat as Straightforward (TaS)

4. Work Coaches have the facility to treat certain JSD failures as straightforward. This removes the need for a LMDM referral.
5. For JSD failures arising from events which are known about in advance, Treat as Straightforward (TaS) can't be applied as the expectation is that the claimant will notify Department for Work and Pensions (DWP) in good time and if they don't, they will need to demonstrate good reason for their failure to the LMDM.
6. A claimant's past history of failures should also be taken into account when considering if TaS should be applied as repeated failures, without supporting evidence, may cast doubts on the genuineness of the reason given.
7. Where there is any doubt, it should be referred to the LMDM with a clear explanation of why the case is not being treated as straightforward.
8. A failure can be treated as straightforward if any of the following unexpectedly apply for the whole or some of the compliance period and it wouldn't be reasonable to expect the claimant to complete the activity in any time remaining:
 - claimant is sick and JSA28 completed
 - claimant is undertaking voluntary work
 - claimant has caring responsibilities
 - claimant is providing a service
 - claimant is taking a child or young person abroad for medical treatment
 - claimant is manning a lifeboat, p/t fire-fighter or working for the benefit of others in an emergency
 - claimant is a member of couple and is needed to care for a child while the usual carer is abroad and alternative child care could not be arranged
 - claimant is temporarily looking after a child full time because the normal carer is ill or temporarily absent from home, or looking after a family member who is ill and alternative care could not be arranged
 - a domestic emergency has arisen (including serious illness, death, funeral or emergency affecting a relative or close friend or death of someone for whom the claimant is caring)
 - claimant was detained in police custody for 96 hours or less then released
 - claimant was required to attend court or tribunal for up to 8 weeks
 - claimant has attended a job interview and can provide sufficient evidence for example, letter from employer or name of interviewer
 - claimant declares part time work which does not result in claim termination
 - adverse weather conditions
 - claimant is caring for a child and is subject to a parenting order or a parenting contract. The child may be excluded from school
 - claimant is caring for a child because of school holidays and they can't obtain affordable and appropriate childcare
9. If any of the above applies but the work coach thinks that the claimant could still have reasonably completed the JSD activity, the doubt should be referred to the LMDM with a clear explanation of the reasons for the referral and why it's thought that the activity could have been completed.

10. Any LMDM referral will be cancelled if TaS could have been applied and there is no explanation of why it wasn't appropriate to do so.

Claim disallowed

1. A Labour Market Decision Maker (LMDM) referral shouldn't be made if the failure occurred during a period for which the claim has already been disallowed for availability or Actively Seeking Employment (ASE).
2. This is because there isn't an entitlement to Jobseeker's Allowance (JSA) and therefore no obligation on the claimant to meet the conditionality requirements during a period where their claim has been disallowed. However, this doesn't apply to a period where the claim has been sanctioned.

Multiple referrals

1. A Labour Market Decision Maker (LMDM) referral shouldn't be made if the date of transgression falls within the same period as an availability or Actively Seeking Employment (ASE) doubt.
2. This is because the LMDM will consider availability or ASE doubt first and if disallowed, will cancel any other referrals for the same period as there isn't an obligation on the claimant to meet the conditionality requirements during a period where their claim has been disallowed.
3. As Work Service Directorate (WSD) isn't routinely notified of LMDM availability or ASE decisions, Labour Market System (LMS) must be checked on a daily basis for the outcome of the referral.
4. As these types of decisions are normally made quickly, there should only be a need to undertake one or two such checks. Only if the availability or ASE referral is allowed can any subsequent doubts for the same period be referred to the LMDM which must be undertaken at the very earliest opportunity.
5. Where an availability and/or ASE doubt exists alongside a possible additional sanctionable failure, the claimant must be clearly advised that there is more than one doubt and that the Jobseeker's Direction (JSD) question will only be considered if the availability or ASE referral is allowed by the LMDM. The claimant must also be issued with both an ES48 and an ES48S.

Decision made by the Labour Market Decision Maker

6. Once the LMDM has typed their decision into Decision Making and Appeals System (DMAS), the details of the decision will show in the Labour Market System (LMS) 'Referral/Decision Details' screen.
7. The LMDM will email their decision notification to the Jobseeker's Allowance (JSA) maintenance team for DMAS for action; so no further action is needed in the jobcentre.

Note: If copies of the decision notification and/or case papers are received at the jobcentre, they must be kept for monitoring purposes.

8. Where a LMDM decides the claimant didn't have good reason, a lower level sanction will be applied on their JSA.

Hardship

9. Some claimants may be able to claim JSA hardship when a sanction has been put on their JSA.

Note: See JSA Hardship Awards for further information.

10. If a referral to the LMDM is appropriate, the work coach must make the claimant aware of the availability of hardship and record in LMS conversations that a discussion has taken place.

Reserved decisions

11. A LMDM may decide to reserve a decision. This will normally be when a sanction is the right action but can't be put on their benefit because the claimant is no longer claiming JSA.
12. In these cases, the LMDM will send a DMAS produced notification to the jobcentre telling them of this and at the same time, the details of the decision will show in the 'LMS Referral/Decision Details' screen.
13. There isn't an input to Jobseekers Allowance Payment System (JSAPS) for reserved decisions.
14. The case must be sent back to the LMDM, as a new referral on LMS, if the claimant reclaims within a certain amount of time:
 - as specified by the LMDM in their reserved decision, or
 - equal to the maximum sanction period applicable for the case.
15. If a case is re-submitted and the claim was originally a joint claim for JSA, it's important to make sure that the details held on LMS are up to date. You must find out if 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 shown in the referral.

Additional Information

Claimant changes their mind

16. If a claimant who at first refuses to carry out a JSD changes their mind, they haven't refused to carry it out if they:
 - can still achieve something by following the JSD
 - tell an Employment Officer that they have changed their minds.
17. If a claimant who at first 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
 - actually carry out the JSD

Other doubts

Availability and Actively Seeking Employment

1. If the reason given by the claimant for refusing or failing to carry out the Jobseeker's Direction (JSD) raises a doubt on their Availability or Actively Seeking Employment (ASE), a referral to the Labour Market Decision Maker (LMDM) regarding the Availability or ASE doubt must be made, unless they can be treated as Available and/or ASE.

Note: 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

2. Where a specific vacancy has been talked about with the claimant and they refuse or fail to apply for or accept it, Refusal of Employment (RE) action should be considered.

Note: Further information can be found in the Refusal and failure to apply for or accept employment chapter.

Cancelling a Jobseeker's Direction

1. There may be times where, having been issued, a Jobseeker's Direction (JSD) is no longer reasonable, giving regard to the claimant's circumstances.
2. To cancel the JSD created on LMS, the LMS Client Directions details screen is cleared.

Issuing a Jobseeker's direction to mandate claimants to create an account and upload a CV in Find a job or if more appropriate, another jobsite

1. For legal reasons, you can't issue a Jobseeker's Direction (JSD) to mandate a claimant to create an account and upload a Curriculum Vitae (CV) in Find a job or if more appropriate, another jobsite unless a Department for Work and Pensions (DWP) customer computer is reasonably available to them should they need to use one, for example, because they don't want to accept cookies on their device and therefore need to have access to a device on which cookies have already been accepted.

What to consider before issuing a Direction

2. The 'Summary', 'When a JSD must not be used' and the 'Appropriateness of a JSD' sections within these instructions explain the factors that must be considered before a JSD is issued.
3. In particular, a JSD mandating claimants to create an account and upload a CV in Find a job or if more appropriate, another jobsite must be reasonable in terms of:
 - improving the claimant's employment prospects; and
 - the claimant being able to use the service
4. For the majority of claimants, creating an account and uploading a CV in Find a job or if more appropriate, another jobsite will be an important part of improving employment prospects.
5. However, actually creating an account and uploading a CV in Find a job or if more appropriate, another jobsite may be less than straightforward for some claimants if they aren't reasonably able to use the service, for example those:
 - with a learning or other health related condition; or
 - for whom English is their second language; or
 - who lack appropriate literacy and/or numeracy skills; or
 - who aren't reasonably able to access their own computer or device (for example, because they don't have such a device or can't afford to access the internet) and aren't reasonably able to access an alternative internet access device in their area (for example, because of their personal circumstances, poor internet service in the area or lack of access to affordable internet access).
6. Before issuing a JSD, you must also take into account whether the claimant can reasonably access a DWP customer computer should they either not have reasonable access to the internet or should they wish to exercise their right not to accept cookies.
7. You will need to take into account all of the claimant's circumstances (for example, their health, any restrictions on their availability, whether they have childcare available) and the availability of DWP customer computers in your office. For example:
 - if your office hasn't yet installed any DWP customer computers; or
 - if your office has a high number of claimants who need access to a DWP customer computer; or
 - the claimant doesn't have access to the internet; or
 - the claimant is required to use Find a job or if more appropriate, another jobsite and wish to exercise their choices relating to cookies.All these considerations must be taken into account before deciding to issue a JSD.
8. If one or more of the circumstances in the previous paragraphs apply and you deem it unreasonable for the claimant to use Find a job or if more appropriate, another jobsite, you must record in the 'Additional Notes' field within the 'More'

hotspot on Labour Market System (LMS) why it's not reasonable to issue a JSD, for example:

- 'Claimant not using Find a job – English as a second language'; or
- 'Claimant not using Find a job – does not wish to accept cookies and claimant has no reasonable access to a DWP customer computer'

This action is required so you don't keep asking the claimant each time they attend at the office.

9. However, where a claimant may not be required to use Find a job or if more appropriate, another jobsite but subsequently their circumstances change (for example, they move house to an area where there is a good broadband service and are able to afford internet access) you must take the action described in all the paragraphs in 'Issuing a Jobseeker's Direction to mandate claimants to create and account and upload a CV in Find a job or if more appropriate, another jobsite'.

10. A JSD mustn't be issued to 'credits only' claimants because a referral to a LMDM for an 'opinion only' decision mustn't be made for 'credits only' claimants who refuse or fail to comply with a JSD.

Action required if you consider a Jobseeker's Direction is appropriate

11. If you have decided that it would be reasonable to issue the claimant with a JSD, after taking into account the considerations, tell the claimant they must create an account and upload a CV in Find a job or if more appropriate, another jobsite.

Cookies factsheet

12. It's vital the cookies factsheet is issued to the claimant so they are able to make a fully informed decision about their choices relating to cookies. You must also explain that they can use one of the DWP customer computers in the jobcentre should they not wish to accept cookies on their own computer or device.

Note: The factsheet is available in English and Welsh.

Recording the direction on LMS

13. You must record the JSD on LMS as follows:

- [Direction Reason] field: 'Find a job will improve the claimant's prospects of finding work'
- [Details & Method of Achieving] field: 'You will create an account and upload a CV in Find a job by --/--/--; or if more appropriate:
- [Direction Reason] field: '*(insert name of other jobsite)* will improve the claimant's prospects of finding work'
- [Details & Method of Achieving] field: 'You will create an account and upload a CV in *(insert name of other jobsite)* by --/--/--'

14. You must also take the action described in 'setting the date by which the direction should be carried out'.

Claimant says they don't want to accept cookies on their own computer or device

15. In these cases you must also arrange a date and time for the claimant to use a DWP customer computer so they are able to carry out the direction.

16. The amount of time you allow for a claimant to carry out the direction will vary and you must consider this on a case by case basis, for example, some claimants may need 1 hour but others may need much longer (there is no specific time limit on this) and if so, a longer time slot to use the DWP customer computer must be arranged.

17. Claimants are entitled to travel cost reimbursement for appointments outside their normal signing arrangements.

Issuing the Jobseeker's Direction letter and cookies factsheet

18. You must:

- attach the cookies factsheet to the Jobseeker's Direction (JSD) letter and give both to the claimant; and
- record in LMS Conversations 'Cookies factsheet issued'.

What you must make clear to the claimant

19. You will need to make sure the claimant understands how to create an account and upload a CV in Find a job or if more appropriate, another jobsite.

20. You must also explain that they will need to provide evidence that they have complied with the JSD. In doing so, suggest this may take the form of:

- prints of their screens or pages from their Find a job account or if more appropriate, another jobsite account. However, this won't be possible for claimants who don't have access to a printer or can't afford to print out copies of these pages; or
- showing us these screens or pages from their Find a job or if more appropriate, another jobsite account if they have access to the internet on their device, for example, a smartphone or laptop.

21. If it isn't possible for the claimant to do any of the above, or the claimant doesn't wish to accept cookies and so needs to use a DWP customer computer, advise them that they can login to their Find a job or if more appropriate, another jobsite account from an available DWP customer computer in your office and print off the relevant screens or pages.

22. However, the responsibility is on the claimant to provide evidence that they have done this by whatever means they choose.

23. Therefore, if the claimant doesn't wish to do this, you will need to decide whether they have complied with the JSD based on the evidence they have provided.

Note: You mustn't record any activity in relation to the creation of an account and uploading a CV in Find a job or if more appropriate, another jobsite anywhere on the JSA claimant commitment until the claimant has created their account and uploaded a CV.

Setting the date by which the Jobseeker's Direction must be carried out

24. You must take into account a claimant's experience and ability to use the internet and access to the internet (in particular if they need to use a DWP customer computer) when setting the date by which the claimant must have carried out the direction. For example, more time will need to be given:

- for somebody who has very little or no experience of the internet because a referral to local provision on how to use online channels may be necessary; or
- where your office has a high number of claimants who need access to a DWP customer computer.

Cancelling the Jobseeker's Direction

25. If the claimant contacts the jobcentre before the date when the Jobseeker's Direction (JSD) must be carried out because they decided not to accept cookies on their computer or device and therefore wish to use a DWP customer computer in the jobcentre to create an account and upload a CV in Find a job or if more appropriate, another jobsite, you must arrange a date and time for the claimant to use the DWP customer computer.

26. However, if you can't arrange this by the date on which the JSD must be carried out, you must cancel the original JSD and issue a new JSD to the claimant which takes account of the new appointment date.
27. If the claimant attends on their allocated day and time to carry out the JSD but subsequently can't create an account and upload a CV in Find a job or if more appropriate, another jobsite within the time allowed on the DWP customer computer, then you must cancel the original JSD, make a new DWP customer computer appointment and issue a new JSD to the claimant which takes account of the new appointment date.

Following up the Jobseeker's Direction

28. The JSD will be followed up at the claimant's next attendance at the jobcentre after the date set in the JSD whether it's a jobsearch review or advisory interview.

Claimant says they have created an account and uploaded a CV in Find a job or if more appropriate, another jobsite

29. If the claimant says they have created an account and uploaded a CV in Find a job or if more appropriate, another jobsite, suggest they can provide evidence to show they have done this, in the form of:
- prints of their screens or pages from their Find a job or if more appropriate, another jobsite account. However, this won't be possible for claimants who don't have access to a printer or can't afford to print out copies of these pages; or
 - showing us these screens or pages from their Find a job or if more appropriate, another jobsite account if they have access to the internet on their device, for example, a smartphone or laptop
30. If it's not possible for the claimant to do any of the above, or the claimant doesn't wish to accept cookies and so needs to use a DWP customer computer, advise the claimant that they can login to their Find a job account or if more appropriate, another jobsite account from an available DWP customer computer in your office and print off the relevant screens, pages or show you the information on the screen.
31. However, the responsibility is on the claimant to provide evidence that they have done this by whatever means they choose.
32. Therefore, if the claimant doesn't wish to do this, you will need to decide whether they have complied with the JSD based on the evidence they have provided.
33. If you're satisfied that the claimant has created an account and uploaded a CV in Find a job or if more appropriate, another jobsite, you must update LMS.
34. However, if the evidence provided by the claimant is insufficient and you aren't completely satisfied they have created an account and uploaded a CV in Find a job or if more appropriate, another jobsite, you must refer the doubt to a LMDM.

Agreeing how often the claimant will log in to their Find a job account or if more appropriate, another jobsite account to find and apply for jobs they can do on the JSA claimant commitment

35. When the claimant has created an account and uploaded a CV in Find a job or if more appropriate, another jobsite, you must also agree with them and record within the 'My Actions for getting work' section of the JSA claimant commitment how often the claimant will log in to their Find a job account or if more appropriate, another jobsite account to find and apply for jobs they can do.
36. In doing so, for those claimants using the DWP customer computer, take into account all of their circumstances, including:
- the availability of DWP customer computers;

- the ability of the claimant to get into the jobcentre on a regular basis (for example their childcare or caring responsibilities or other restrictions agreed on their JSA claimant commitment. If the claimant has childcare responsibilities, you must make it clear to the claimant that they don't need to make any extra childcare arrangements, for example, they will only be required to use a DWP customer computer during periods covered by existing childcare arrangements; and
- claimants are entitled to travel cost reimbursement for appointments outside their normal signing arrangements.

Referral to a Labour Market Decision Maker required

37. If the claimant hasn't carried out the JSD by the date they were required to do so, or you aren't satisfied from the evidence presented by the claimant that they have complied, the case must be referred to a LMDM.

Note: Before you make the referral, you must first check LMS conversations to make sure that the cookies factsheet was recorded as issued. If this isn't recorded, you can't refer the doubt to the LMDM. Instead, you must cancel the original JSD and issue a new JSD to the claimant.

Action required by the Labour Market Decision Maker

38. The LMDM will make their decision in the usual way.

JSA Work Programme (WP) participants

39. You mustn't mandate JSA Work Programme (WP) participants to create an account and upload a CV in Find a job or if more appropriate, another jobsite in Find a job. This is because it is for WP providers to determine and provide the support their participants need to find work including (where appropriate) mandatory requirements.