

Sector-based work academies (sbwa) Adviser Guidance (England)

Note: When using an abbreviation for sector-based work academies, for legal reasons “sbwa” must be used in lower case only.

Separate guidance is available for sbwa in Scotland. Similar support is available through the Routeways to Work programme for claimants in Wales.

Policy Intent

1. sbwa (sector-based work academies), were launched in England in August 2011 and are part of the package of Get Britain Working measures that can be used by Jobcentre Plus to help individuals into work.
2. sbwa are designed to support JSA and ESA (WRAG) customers who are close to the labour market but who have been unable to find work to move into sustained employment in a demand sector with the further aim of supporting employers in those sectors to fill their vacancies more efficiently.
3. Detailed design of sbwa will not be fully prescribed from the centre but will last for a maximum of six weeks and will consist of:
 - Pre-employment training (PET) of:
 - Work Experience Placement (WEP); and
 - Guaranteed Job Interview(GJI) with an employer in the sector
 - With the exception of the GJI, which cannot be held before the PET, the elements can run in any order or be blended depending upon employer needs.
4. Claimants will remain on benefit throughout the sbwa
5. It is expected that claimants will not complete more than 1 sbwa. However, this may not be the case where a claimant has ceased to participate and the adviser decides that the claimant should re-engage in sbwa.
6. The decision for a claimant to participate in a sbwa is voluntary (Jobseeker's Directions should not be used) but:
 - once a JSA claimant has been formally referred to the sbwa, participation in PET and GJI becomes mandatory (see note on exception to mandation to GJI)
 - Policy intent is that JSA claimants could have sanctions applied for “gross misconduct” while on WEP. However the definition of “gross-misconduct” is currently being established. Until that work is complete, DMA action should not be taken for any claimant failing to complete WEP.
 - once an ESA(WRAG) claimant has been referred to sbwa, participation in PET becomes mandatory. For ESA (WRAG) claimants, participation at the WEP and GJI is voluntary.
 - ESA (WRAG) claimants who are in receipt of National Insurance Credits only, lone parents responsible for a child under 5 and not yet at school or

full-time carers cannot be mandated Work-Related Activity. All 3 elements of sbwa must remain on a voluntary basis for these claimants.

Youth Contract

The Youth Contract, launched on 2nd April 2012, includes a range of additional help for young people, including extra places on sector-based work academies.

Eligibility

7. Sbwa are available to claimants in England aged 19+ who are claiming JSA or in the ESA (WRAG), who are close to the labour market and will not have significant needs relating to numeracy, literacy or general employability skills, but who would benefit from participating in sbwa to help them find and keep work. However, sbwa is also available to JSA and ESA (WRAG) claimants aged 18+, who are close to the labour market but some colleges/providers will only be able to access funding for claimants aged 19+. Note: 18 year old JSA claimants are treated differently for availability and actively seeking work whilst undertaking training.
8. If the partner of a JSA claimant is in a joint claim then they can take part in sbwa as they would be classed as a JSA claimant. There are exemptions for joint claims.
9. Partners of ESA(IR) claimants are not treated as ESA claimants and cannot take part in sbwa.
10. If a couple are both claiming ESA(C) then both are eligible to participate in sbwa.
11. JSA claimants/ESA (WRAG) claimants can undertake PET of up to 30 hours a week.
12. Claimant groups other than JSA and ESA (WRAG) are not eligible for sbwa. However where the provider agrees to other claimant groups joining the training and/or the employer agrees to take other claimant groups for WEP and GJI, they can participate **BUT these must not be counted as sbwa participants and they must not be submitted to sbwa LMS opportunities.**
13. Where a claimant is on ESF provision, Personal Advisers can apply discretion when referring eligible claimants close to the labour market to sbwa.
14. Advisers should take into account whether the ESF provider is already offering the same type of support and avoid duplication.

Funding

15. PET will normally be delivered by colleges and training providers funded by the Skills Funding Agency. It is also acceptable for employers to fund the training element of a sbwa and for JCP to utilise other sources of funding to procure training where Skills Funding Agency funded training is not available.
16. Skills Funding Agency funded training will count towards units of accreditation on the Qualifications and Credit Framework (QCF).
17. Employer funded training may not count towards QCF accreditation.

18. Where the PET element of a sbwa is not funded through the Skills Funding Agency, participants do not have to undertake units on the QCF. However, Jobcentre Plus should seek to influence the type of training being offered to ensure that the skills people develop are transferable and preferably meet industry standards.

Travel, childcare, reasonable adjustments and replacement care costs

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

CRB checks

20. Enhanced CRB checks are only required for regulated roles in regulated sectors where the individual is working with children or vulnerable adults.
21. CRB checks are portable. Advisers should establish if the claimant already holds a CRB certificate and if the employer is willing to use this rather than apply for a new check.
22. Employers are expected to fund CRB checks. However, in exceptional circumstances JCP may use its discretion to reimburse the employer for the cost. This will be established when the sbwa is set up.
23. The cost of standard CRB checks should never be reimbursed.
24. CRB checks are not always necessary for PET and WEP in the care sector. It will depend on the role. Details will be established when the sbwa is set up. The Care Quality Commission (which is the regulator and inspector of the care sector) has produced guidance for care providers which recommends that CRB checks in England and Wales may not always be required for sector based work academy PET/WEP as long as the provider ensures a number of requirements are in place. For example, where the claimant is in a care environment for a maximum of 2 weeks and is supervised at all times by a permanent member of staff who has a satisfactory CRB check.
25. If a CRB check is not required for sbwa, advisers must make it clear that to take up a job in the sector, claimants will still be required to undertake a CRB check.

Data sharing

26. Data sharing regulations allow for the proportionate sharing of claimant information between Skills Funding Agency funded colleges and providers that are supporting JCP claimants with their employment, skills and training needs. In practice this means that such information can be shared as often as is necessary to support activities such as the management of adviser caseloads or any reasonable adjustment requirements and in providing updates to monitor and build on the progress a claimant is making with the skills activity they are undertaking to support a move into work.

27. This legislation does not extend to include employers or non-Skills Funding Agency funded provider. Informed consent must be obtained to allow entry to sbwa. Advisers should ask the claimant to complete an authority (informed consent) to allow JCP to disclose such information to the employer or non-Skills Funding Agency funded providers.
28. The authority applies to the exchange of information between the employer, provider and Jobcentre Plus.

Attendance, Timekeeping and Absences

29. For claimants to benefit fully from sbwa, it is important that they attend regularly and on time. Claimants should be advised of the expectations of the provider/employer.
30. These include:
- claimants should take reasonable steps to minimise absences (e.g. arrange routine GP appointments for evening surgeries where possible);
 - unplanned absences (e.g. for sickness, domestic emergencies etc) should always be notified to providers/employers as soon as possible on the first day of absence and failure to do so could result in sanctions. Normal JSA rules apply for sickness and domestic emergencies.
31. If claimants have planned holiday within the time of the sbwa, advisers should not refer them to sbwa
32. Where there has been an extensive absence from sbwa, advisers should check with the provider/employer to establish whether it is possible to continue on that particular sbwa.

The Personal Adviser Role

Identification of Suitable, Eligible Claimants

33. It is imperative that only suitable and eligible claimants are referred to a sbwa. Suitable claimants will:
- not have significant needs relating to numeracy, literacy or general employability skills.
 - be close to the labour market but would benefit from a short training intervention and a work experience placement to support them in finding work in a demand sector.
 - be interested in a role in the sector.
 - have the aptitude/suitability for the role/sector.
 - be available for all three elements of sbwa – PET, WEP and GJI.
34. Adviser discretion should be used to make decisions about the timing of sbwa referrals. Early access to skills training should be appropriately targeted, to avoid referring those who are likely to obtain a job without that intervention. Normal rules on deferral to the Work Programme should be followed – it is likely that claimants referred to sbwa will be expected to gain employment within the 3 months deferral period.

35. To assist in selection of the most suitable claimants, advisers should use
- information on the District Provision Tool (DPT) and LMS opportunity which will give details of what behaviours/skills the employer is expecting of participants.
 - previous employment history (consider transferable skills)
 - Knowledge Hub
 - Customer Assessment Tool
 - Checklists in Sector Employability Toolkits
 - Caseload conferencing

Initial discussions with the claimant

36. Give the claimant full details of the sbwa. This should include as much information as possible about the course, the employer, the role etc. The customer must be given full information about the sbwa to ensure they can make an informed decision about taking part, especially as there are mandatory elements once the claimant has agreed to participate. Employer and Partnership teams should provide this information as part of the details on LMS/DPT or may also hold an sbwa open day.
37. Where the sbwa is in the care sector and the information provided shows that a CRB check is not required to participate in sbwa, advisers must make it clear that to take up a job in the sector, claimants will still be required to undertake a CRB check.
38. Explain the benefits of taking part in the sbwa, for example:
- Improve their job prospects
 - Give them the skills and behaviours employers want from people entering a job in a specific sector
 - Allow them to undertake units towards a qualification
 - Gain work experience
 - Build their confidence
 - Add to their CV
 - Give an employer chance to see how well they can work
 - Travel, childcare, and replacement care costs will be met.
 - A Guaranteed Job Interview for an existing vacancy will be offered
 - Claimant's benefit will not be affected whilst participating in sbwa
39. It is imperative that it is explained to the claimant that once they decide to participate and they receive written notice detailing what is required by way of participation in the sbwa, which will be mandatory and sanctions will apply if they do not complete:
- for JSA claimants – PET and GJI (unless it is an exception to mandation).
 - for ESA (WRAG) claimants – only PET

- ESA (WRAG) claimants who are in receipt of National Insurance Credits only, lone parents responsible for a child under 5 and not yet at school or full-time carers cannot be mandated Work-Related Activity. All 3 elements of sbwa must remain on a voluntary basis for these claimants.
40. Jobseeker's Direction must **not** be used when claimants have initial meetings with providers/employers or at an open day.
41. It is also imperative that the claimant is made aware of how sanctions will affect them.
42. If the claimant is interested in taking part, where appropriate, arrange a discussion between the claimant and the provider and/or employer to
- allow the provider to assess suitability; and
 - to give the claimant the opportunity to decide whether to participate.
- Note: meeting the provider at this stage does not count as a referral to sbwa. Once the claimant has agreed to participate in sbwa, the referral is counted from this point and relevant elements of the sbwa become mandatory.
43. If the provider/employer does not feel the claimant is suitable, obtain feedback, discuss this with claimant and consider alternative provision/support.
44. There is no expectation that all potential sbwa participants will speak to an employer, although where an employer has agreed to discuss the content of the sbwa with claimants, it should be accommodated wherever possible.
45. Where an employer wants to speak to a claimant, it will be outlined in the sbwa LMS opportunity and in the DPT information.

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

46. offer them a place on the sbwa
47. Select LMS interview type – Flexible Intervention
48. issue sbwa notification letter to claimant which gives full details of what is expected of them whilst participating in sbwa. Where these are not all confirmed with the employer/provider by the time of the initial referral, the notification should show details of the elements which are known and the rest to be confirmed. Local arrangements will apply for completion of notification details. There are 4 notification letters:
- sbwa01a(JSA) – for JSA claimants where PET within sbwa is for under 16 hours a week
 - sbwa01(JSA) – for JSA claimants where PET is within sbwa is between 16 and 30 hours a week
 - sbwa02(ESA)Action Plan – for ESA(WRAG) claimants (but not those in the “exceptions” group)
 - sbwa02a(ESA)Action Plan – for ESA(WRAG) claimants in the “exceptions” group

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

49. For JSA claimants on training of between 16 and 30 hours, the notification states "During your Pre-Employment Training you will be required to undertake any activities which are detailed in this letter." The policy intent is that claimants should be required to undertake additional activity. If you decide additional activity is required, this should be recorded on both the notification letter and on the JSAG before the claimant starts the sbwa. This should be reviewed at each Jobsearch Review to show the claimant is continuing to take these additional steps towards gaining employment. This could include activities such as updating their CV or checking the internet for jobs on a daily basis for example. It is important that these extra steps should be achievable. If at the Jobsearch Review, it is established that the claimant has not carried out these activities, they could be sanctioned.
50. Obtain JSA claimant's signature to confirm receipt of the clerical notification letter on the reverse of ES80A or by using the sbwa notification confirmation slip. Retain a copy of the notification letter in the claimant's file.
51. For ESA claimants, record the issue of the letter on the claimant's action plan and save a printed or electronic copy of the notification letter.
52. Any subsequent changes or additions to the sbwa must be notified to the claimant by issuing a further clerical notification letter when they occur. A copy must be kept on the claimant's file.
53. Consider setting an LMS workflow to remind claimant where they need to go in advance of each element of sbwa.
54. reiterate how sanctions would affect them if they do not participate as required in the mandatory elements of sbwa
55. record referral to sbwa on LMS submitting claimant to an LMS opportunity for each part of the sbwa. LMS opportunities will be:
 - Ref'd to sbwa Pre-empl Training
 - Ref'd to sbwa Work Experience Placem't
 - Ref'd to sbwa G'teed Job Interview
56. Claimants not in receipt of JSA or ESA must not be referred through the LMS sbwa opportunities.
57. When referring to the sbwa PET complete form SL2 and send to provider.
58. There are no forms for the employer to complete when claimant starts WEP or attends GJI (e.g. no SL2)
59. Ask the claimant to complete authority to allow JCP to disclose information to the employer and other organisation involved in the sbwa.
60. Discuss travel, childcare, reasonable adjustment and replacement care costs needs.

61. For JSA claimants only, consider a flexible approach to attendance at JR to ensure no disruption to participation in sbwa but see note about JSA claimants during a PET of 16-30 hours.
62. Arrange payment of travel, childcare, replacement care costs and consider any reasonable adjustments for the first element of sbwa if appropriate. Payment of these should be considered before the start of each element of sbwa. Sbwa payment codes for travel, childcare and replacement care can be found on ACME. All sbwa participants should be classed as “mainstream” when selecting options on ACME. Forms for payment of costs for expenses for sbwa claimants are shown in the expenses procedures part of this guidance.

Jobsearch Review (JSA claimants)

63. During sbwa JSA claimants are required to attend JR, although a flexible approach to attendance at JR may be decided locally.
64. JSA claimants are required to be actively seeking work and available for work during the period of PET (where training does not exceed 16 hours) and WEP.
65. JSA claimants (except those aged 18 who are attending non Skills Funding Agency PET) who are participating in PET of 16-30 hours are not required to be actively seeking work or available for work. However, policy intent is that claimants should still attend JR to show that they are taking steps towards gaining employment. Claimants are not required to sign the usual declaration during PET but are required to sign the declaration ES24JPsbwa to confirm that they have not undertaken any paid work and that they have reported any changes in circumstances which may affect their award of JSA.
66. For JSA claimants on training of between 16 and 30 hours, the notification states “During your Pre-Employment Training you will be required to undertake any activities which are detailed in this letter.” The policy intent is that claimants should be required to undertake additional activity. If you decide additional activity is required, this should be recorded on both the notification letter and on the JSAg before the claimant starts the sbwa. This should be reviewed at each Jobsearch Review to show the claimant is continuing to take these additional steps towards gaining employment. This could include activities such as updating their CV or checking the internet for jobs on a daily basis for example. It is important that these extra steps should be achievable. If at the Jobsearch Review, it is established that the claimant has not carried out these activities, they could be sanctioned.
67. For those JSA claimants on PET of 16-30 hours (except those aged 18 who are attending non skills Funding Agency PET) - if the hours and location of the claimant’s PET make it impossible to attend the office for JR, then the adviser can conduct the JR by telephone. If the adviser is satisfied that the customer is taking steps towards gaining employment as set out in the sbwa notification letter and JSAg, then payment can be authorised without signing the ES24JPsbwa. Claimants should complete form ES88X for the period between the last signing day up to the day before the course starts and

advisers should follow procedures in the JSA Get Britain Working Guidance. Form ES24JPsbwa should be signed when the claimant next visits the office.

68. 18 year old JSA claimants undertaking sbwa PET (this will be non-Skills funding Agency provision) must continue to be available and actively seeking employment in accordance with their Jobseekers's Agreement. This applies whether the provision is part-time or full-time. The normal rules for attending full-time training apply in this case (maximum of 2 weeks in any 12 months) A flexible approach can be taken when considering steps for actively seeking employment. Individual circumstances should be looked at, and it may be that requiring anything above and beyond the pre-employment training would not be appropriate.

Procedures for payment of expenses for sbwa claimants

69. JCP will pay participants travel, childcare and replacement care costs. Reasonable adjustment can also be considered.
70. Payments should be made by Direct Payment or cheque payment through Purchase to Pay in Shared Services, using RM1. However, if there is a need for immediate payment then a local cheque or cash payment can be issued by the finance officer. If the expenses are for attendance on sbwa, sbwa authorisation/payments forms should be used for this as outlined in this guidance. Normal RM procedures apply. If the claimant is attending an sbwa pre-selection interview or an sbwa open day, then generic finance forms should be used.
71. Record all expenses payments issued to participant on form sbwa Exp 6.

Travel costs

72. If the participant has travel expenses complete sbwa T/Exp auth to authorise payment.
73. Travel expenses will normally be paid in arrears using form sbwa T-ExpReimb.
74. If the participant needs travel expenses in advance to attend sbwa, use form sbwa T/Exp adv. Advise the participant that should they fail to attend, they will be required repay any overpayment to Jobcentre Plus.
75. If a claimant is attending an sbwa pre-selection interview or an sbwa open day and needs travel expenses in advance, use form ACS703JP and follow guidance in the Flexible Support Fund Guide. Sbw payment codes should be used for these payments and can be found on ACME. These claimants should be classed as "mainstream" when selecting options on ACME to ensure the funding is drawn down from the Get Britain Working pot of funding.
76. Tell the customer to inform you immediately if the amount of daily fares increases. If you agree that the daily rate for expenses needs amending, complete section 4 of form sbwa T/Exp Auth, and inform the customer.
77. Travel Warrants may be used – normal procedures apply.

78. sbwa payment codes for travel can be found on ACME. All sbwa participants should be classed as “mainstream” when selecting options on ACME to ensure the funding is drawn down from the Get Britain Working pot of funding.

Childcare costs

79. If the participant claims childcare costs, you should follow procedures and use forms outlined in the Flexible Support Fund guidance para 23-26. Please note that sbwa Exp6 should be used instead of form VP3. Ensure sbwa ACME codes are selected. All sbwa participants should be classed as “mainstream” when selecting options on ACME to ensure the funding is drawn down from the Get Britain Working pot of funding. Normal RM procedures apply.

Replacement care costs.

80. If the participant claims replacement care costs, follow procedures and use forms outlined in the Flexible Support Fund guidance para 58-61. Please note that sbwa Exp6 should be used instead of form VP3. Ensure sbwa ACME codes are selected. All sbwa participants should be classed as “mainstream” when selecting options on ACME to ensure the funding is drawn down from the Get Britain Working pot of funding. Normal RM procedures apply.

Reasonable Adjustment

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

Overpayment of expenses - recovery Action

82. If the claimant is overpaid expenses, issue:

- for PET – sbwaPETOvpt 1 letter
- for WEP – sbwaWEPOvpt 1 letter

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

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

- For PET – sbwaPETOvpt 2 letter
- For WEP – sbwaWEPOvpt 2 letter

85. review after 7 days

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

- Under £100 – the BM decides whether it is cost effective to continue pursuit of the overpayment or to seek write-off.

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

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

87. Once the claimant agrees to participation in sbwa and receives a written notice detailing what is required of them by way of participation in the sbwa, attendance becomes mandatory for certain elements. However where the provider/employer decides partway through sbwa that it:

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

the attendance and participation requirement may be removed. (If during the PET the claimant has been deemed as not suitable because they were deliberately demonstrating behaviour that would make them unsuitable, then “failed to participate” action would be applicable. Policy intent is that JSA claimants could have sanctions applied for “gross misconduct” while on WEP. However the definition of “gross-misconduct” is currently being established. Until that work is complete, DMA action should not be taken for any claimant failing to complete their WEP).

88. Update LMS to show the changes

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

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

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

- obtain written notification from the provider using sbwaPETDMA4
- issue sbwa03FTP(JSA) / sbwa04FTP (ESA) to claimant to give them the opportunity to show good cause for FTP. Give the claimant 5 working days to return this.
- discuss feedback received from provider/employer with claimant
- for JSA claimants, if you do not consider the claimant can be Treated as Straightforward, refer to the decision maker on sbwaDMA5. sbwa AR codes are set out in the sanction information.

- For ESA(WRAG) claimants, if the claimant does not show good cause, refer to the decision maker on sbwaDMA5. sbwa AR codes are set out in the sanction information.
- If you consider there is good cause for non-participation, issue the claimant sbwa 05 (JSA) sbwa 05 (ESA vol) or sbwa 05 (ESAmán) or release them from the requirement to attend the sbwa.
- Note: even when referred to the decision maker, the claimant is still required to attend sbwa. If they refuse then a further referral must be made to the decision maker.
- update LMS records
- adviser discretion should be used to consider re-engagement to the programme where appropriate (this may reduce the length of sanctions where JSA claimant has a 26 week sanction or lift sanctions for ESA(WRAG) claimants).
- consider other provision/support for claimant

JSA Claimant does not complete WEP

91. Note: Policy intent is that JSA claimants could have sanctions applied for “gross misconduct” while on WEP. However the definition of “gross-misconduct” is currently being established. Until that work is complete, DMA action should not be taken for any claimant failing to complete WEP.
92. WEP is not mandatory for JSA claimants. If the claimant does not start/fails to complete WEP:
- discuss feedback received from employer with the claimant
 - update LMS records
 - consider other provision/support for the claimant
 - adviser discretion should be used to consider re-engagement to the programme
93. GJI is mandatory for JSA claimants (unless for a self-employed vacancy). However if the claimant has not attended the WEP, the employer may withdraw the offer of a GJI. If that is the case a GJI with another employer should be found if possible. If this is not possible then the claimant should be released from the requirement to participate. Issue sbwa sbwa 05 (JSA), sbwa 05 (ESA vol) or sbwa 05 (ESAmán) to the claimant informing them that the requirement to participate has ended.
94. If the employer is still willing to offer the GJI then this remains mandatory for the JSA claimant (unless for a self-employed vacancy).

JSA claimant does not attend the Guaranteed Job Interview (GJI)

95. Once a JSA claimant agrees to participation in sbwa, attendance at GJI becomes mandatory. The only exceptions to this are:
- if the employer withdraws the GJI or

- if it is for a self-employed vacancy, for example, a taxi firm which recruits drivers to its business but those drivers operate as self-employed once appointed.

96. If the claimant fails to attend GJI (and this is not because the provider states the claimant is no longer suitable):

- obtain verbal notification from the employer
- issue sbwa03FTP(JSA) to claimant to give them the opportunity to show good cause for FTP. Give the claimant 5 working days to show good cause.
- On reply from the claimant, consider their reasons for non-attendance. The claimant can be Treated as Straightforward without referral to a decision maker provided they can show good cause for non-participation.
- If you consider there is good cause for non-participation, issue the claimant with sbwa 05 (JSA) to release them from the requirement to attend the sbwa.
- discuss feedback received from employer with claimant
- if you do not consider the claimant can be Treated as Straightforward, refer to the decision maker on sbwaDMA5. sbwa AR codes are set out in the sanction information.
- Note: even when referred to the decision maker, the claimant is still required to attend sbwa. If they refuse then a further referral must be made to the decision maker.
- update LMS records
- adviser discretion should be used to consider re-engagement to the programme where appropriate (this may reduce the length of sanctions where JSA claimant has a 26 week sanction).
- consider other provision/support for claimant
- Although WEP is not mandatory, policy intent is that JSA claimants could have sanctions applied for “gross misconduct” while on WEP. However the definition of “gross-misconduct” is currently being established. Until that work is complete, DMA action should not be taken for any claimant failing to complete WEP.

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

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

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

Re-engagement in sbwa

98. It is expected that claimants will only complete one sbwa. However, if a claimant fails to participate in sbwa, advisers should consider re-engagement in the scheme. Advisers should ensure that the claimant is willing to complete sbwa before re-referring them to another. If they are unwilling to participate then sanctions will apply in the normal way.
99. If possible, where re-engagement is appropriate, the claimant should return to the original sbwa.
100. Where, due to time or other factors, it is not possible to return to the original sbwa, the claimant should re-engage with another sbwa at the point they left the original one. If this is not possible, then the claimant should start a new sbwa.

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

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

Claimant not offered a job following GJI

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

Post sbwa support

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

Sanction Regime

103. The decision for a claimant to participate in a sbwa is voluntary but:
- once a JSA claimant has agreed to participate and has been referred to the sbwa, participation in WEP and GJI becomes mandatory and subject to sanctions for non-participation.

- once an ESA (WRAG) claimant has been referred to sbwa, participation in the PET becomes mandatory and subject to sanctions for non-participation. However, there are exceptions. For ESA (WRAG) claimants participation in the WEP and GJI is voluntary.
104. Claimants must be informed that participation in sbwa is voluntary but that once they agree to it, certain elements of it will be mandatory and that failure to comply with what is required will be subject to sanctions.
105. If the claimant fails to comply, the provider or employer must be asked for immediate written notification on form sbwaPETDMA4/sbwaWEPGJIDMA4.
106. Written notification should be passed immediately to a claimant's adviser to interview the claimant who will consider their reasons for non-participation. Next steps depend on whether the participant is claiming JSA or ESA(WRAG).

sbwa Action Types and AR Codes

107. New Action Types are
- FTP sbwa Doubt
 - FTP sbwa Referral
 - sbwa FT Undertake WRA Dbt
 - sbwa FT Undertake WRA Ref
108. New AR Codes for DMAS:
- JSA/812, JSA/249/812 and JSA/812O
 - ESAJSA/350 and ESAJSA/249/350
109. New AR Codes for LMS:
- JSA/812 & JSA/812/O – FTP sector-based work academies
 - ESAJSA/350 – sbwa Failed to Undertake WRA

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

Sanction Regime for JSA claimants

110. Sanctions will be applied to claimants who fail to comply with the terms of the sbwa for the following:
- Failure to start PET
 - Failure to attend PET
 - Leaving PET voluntarily
 - Dismissal from PET through misconduct
 - Dismissal from WEP through misconduct
 - Failure to attend GJI

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

Application of sanctions for JSA claimants following disallowance

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

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

Sanction Regime for ESA (WRAG) claimants following disallowance

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

Application and removal of sanctions for ESA(WRAG) claimants

116. The amount of reduction for each failure to participate is outlined in ESA guidance – paragraphs 46 and 98.
117. If the claimant re-engages in the programme (at the discretion of the adviser) then the sanction will be lifted.

Forms and letters

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

Notification letters

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

- sbwa02a(ESA)Action Plan – for ESA(WRAG) claimants in the “exceptions” group
- sbwa notification confirmation slip

Expenses forms

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

Jobsearch Review form

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

Non-participation and DMA forms

- sbwa03FTP(JSA) – failed to participate (JSA claimants)
- sbwa04FTP(ESA) – failed to participate (ESA claimants)
- sbwaPETDMA4 – notification claimant non-participation PET
- sbwaWEPGJIDMA4 – notification claimant non-participation WEP or GJI
- sbwaDMA5 – referral to decision maker for non-participation in sbwa
- sbwa 05 (JSA) – letter to release JSA claimant from requirement to attend sbwa
- sbwa 05 (ESA vol) – letter to release ESA (voluntary) claimant from requirement to attend sbwa
- sbwa 05 (ESAmam) - letter to release ESA (voluntary) claimant from requirement to attend sbwa

Overpayment letters

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