

Checking for evidence for a sanctionable failure

Summary

How to check for good reason evidence from a claimant when a sanctionable failure has been identified

Content

When a claimant has been asked to provide evidence relating to a sanctionable failure, an account developer (AD) receives one of the following CAMLite tasks:

- Task Type: Generic Clerical
- Sub Type: Action Required
- SLA: 3 days
- Notes: Sanctionable failure evidence received? AR code, brief description of failure, include details of complex needs if applicable, multiple sanctionable failure referral

Or

- Sanctionable failure evidence received? Further request for evidence claimant has complex needs, AR code, brief description of failure, multiple sanctionable failure referral

Or an automated CAMLite task confirming evidence has been received:

- Task Type: Scanned Correspondence
- Sub Type: UC** (this depends on what number UC form was issued for example – UC71)

If a claimant has been asked to provide evidence on multiple sanctionable failures the AD checks the claimant's case within CAMLite to view any other multiple CAMLite evidence tasks. If others exist, the AD is required to 'pull' these in and action them accordingly.

The AD completes system checks to see if the claimant:

- has started work
- had any change of circumstances
- has complied, or
- has had any other contact

Change of circumstances identified

If the claimant has had a change of circumstances on or before the date of the sanctionable failure, the AD considers whether there is still a sanctionable failure as set out in the Good Reason Gather notification in light of the change. If the sanctionable failure is still appropriate.

If it is unclear from the evidence provided by the claimant that a sanctionable failure has occurred, the AD refers the sanctionable failure to the decision maker (DM) for a decision.

If the change of circumstances indicates there is no longer a sanctionable failure, the AD closes the sanctionable failure and any relevant multiple failures (if applicable) on the claimant record on WSP. To do this the AD:

1. Selects 'Close doubt' from the ribbon.
2. Selects 'Not pursued' from the outcome field.
3. Selects the relevant date from the calendar icon in the 'Decision made on' field.
4. Populates the 'Decision made by' field with the agent's name.
5. Locates a UC105 to notify the claimant and a UC380 to notify the partner (if applicable) that the sanctionable failure(s) has not been pursued.
6. Completes and issues the notification(s) to the claimant and partner (if applicable).
7. Uploads a copy of the notification to the Document Repository System (DRS).
8. Updates the WSP notes. See 'Updating the claimant's record on WSP' below.

Good reason gather evidence received

When good reason evidence has been received the AD refers to a DM.

Good reason gather evidence not received

If good reason gather evidence has not been received the AD checks if the claimant has complex needs. They also check if the special needs indicator on WSP is ticked to determine this or uses their discretion to decide if complex needs exists since the sanctionable failure was identified.

If the claimant has been sent a reminder to return the good reason gather letter but has still not returned their evidence, the AD refers the claimant to DWP Visits.

When completing the DWP Visiting Referral Tool, the AD includes their own email address.

When the visiting officer has completed their action, the referring AD receives an email informing them of the outcome. Upon receipt of the email from DWP visits the AD decides whether it is necessary to continue with the sanctionable failure referral, for example, if the claimant has had a change of circumstances that could mean the requirements are no longer appropriate.

If good reason is gathered by DWP Visits, this will be referred to a DM.

Claimant has no complex needs

If the claimant has been identified as having no complex needs and evidence has not been received, the AD refers the case to a DM.

Claimant has complex needs and/or requires additional support

If a claimant is identified as having complex needs or requires additional support the AD attempts to call the claimant by telephone to gather good reason.

Claimant with complex needs contacted by telephone

If the claimant can be contacted by telephone, the AD explains that there has been a request for evidence to be provided relating to a sanctionable failure and that no evidence has been received to date. This request for evidence would have been requested by letter.

Details of the evidence required are in the notes relating to the sanctionable failure within the claimant record on WSP. If a previous sanctionable failure at the same level is held on WSP the AD considers if escalation applies and informs the claimant.

The AD locates the original notification in DRS and reads the details of the identified sanctionable failure and the questions on the good reason gather notification to the claimant.

The AD explains to the claimant in language they would understand that they did not do what they were asked to do on their Claimant Commitment.

When giving information present it in a clear, concise way and ensure the claimant understands what they have been told and what to do next.

If there are multiple sanctionable failures the AD explains each one to the claimant.

If the claimant is unable to understand, the AD should ask if a member of the household is available to help them provide the evidence required. If help is available the AD gathers this information on the call.

Low or Lowest level sanctions

The AD tells the claimant that their Universal Credit will be reduced for the number of days they haven't done what they were asked to do on their Claimant Commitment if they cannot show good reason.

For Low level sanctions, once the claimant has done what they were asked to do on their Claimant Commitment (meeting their compliance condition), a fixed sanction period is added.

For claimants aged 18 or more this will be 7, 14 or 28 days depending on the fixed length of any earlier similar sanction that was applied to the claimant's Universal Credit award for a sanctionable failure occurring in the 365 days immediately preceding the latest failure date. The sanction length does not escalate if that earlier failure was within the 13 days preceding the date of the latest.

Lowest level sanctions have no additional fixed period.

To end an open-ended period of a low or lowest level sanction, the claimant must complete the original requirement or, where that is no longer possible, another activity which has been agreed with their work coach (WC). In the case of this being a Failure to Attend, then this would be arranging and attending another appointment.

The AD discusses the compliance activity with the claimant and establishes if they have complied. If the claimant has multiple sanctionable failures the AD explains each compliance activity and what the claimant needs to do to comply.

The AD explains to the claimant that by undertaking the compliance activity the open ended part of the sanction will stop. The claimant should be able to comply with the original compliance activity but if this is not possible an alternative compliance action should be considered.

If the claimant states they have complied or need their work related requirements reviewing, the AD books a Work Related Interview

The AD explains to the claimant that compliance can be considered from today's date providing that they attend the appointment or they provide the evidence of compliance at the appointment.

Medium level sanctions

The AD tells the claimant there will be a fixed sanction period applied to their payment if they cannot show good reason for the identified sanctionable failure.

For claimants aged 18 or more the sanction will be for 28 or 91 days. The length will depend on whether there has been any earlier similar sanction applied to the claimant's Universal Credit award for a failure that occurred in the 365 days immediately preceding the latest failure date. The sanction length does not escalate if that earlier failure was within the 13 days preceding the date of the latest failure.

Higher level sanctions

The AD tells the claimant there will be a fixed sanction period applied to their payment if they cannot show good reason for the identified sanctionable failure.

For claimants aged 18 or more the sanction will be for 91, 182 or 1095 days. The length will depend on whether there has been any earlier similar sanctionable failure date that resulted in a sanction being applied to their Universal Credit award in the 365 days immediately preceding the latest failure date. The sanction length does not escalate if that earlier failure was within the 13 days preceding the date of the latest failure. Nor does the period increase if that prior failure occurred before a date of claim to Universal Credit (referred to as pre claim failures)

Recording Good Reason

The AD makes every effort to gather good reason whilst in conversation with the claimant. In exceptional circumstances, where this is not possible the AD allows the claimant 7 calendar days to provide this information. This timescale may be extended if the claimant needs to gather further evidence.

The AD completes the relevant notification with the claimant:

- UC70 (Low Level (FTA only))
- UC72 (Lowest and Low Level (except for Low Level FTA))

- UC71 (Medium/Higher Level)

The AD should complete the relevant good reason gather template if the identified sanctionable failure relates to:

- failure to attend,
- fail to participate, and
- fail to undertake all reasonable work search action.

The AD records the reasons the claimant did not fulfil the work related requirements set out on the Claimant Commitment on the Good Reason Gather notification. They should type the details into the Good Reason Gather notification so they can be copied and pasted into the WSP doubt notes, on the claimant record.

The AD uploads the completed notification to DRS.

If there are multiple sanctionable failures the AD gathers Good Reason for each sanctionable failure and completes a good reason notification for each failure. See 'Updating the claimant's WSP record' below.

If the sanctionable failure relates to a loss of pay or a loss of employment, the AD also issues a UC84 (Loss of pay) / UC84a (Loss of paid work) to gain the claimant's consent to contact their previous employer. See 'Updating the claimant's record on WSP' below.

If support from intermediaries (such as the Citizens Advice Bureau, support worker or Age UK) are available, the AD agrees a new return date for the evidence notification and allows the claimant an extension of five working days to provide the evidence.

In exceptional circumstances more time can be allowed and a return date can be agreed with the claimant.

Claimant unable to be contacted by telephone

If the claimant has not had a reminder to return the Good Reason Gather notification and has not returned their evidence, the AD sends a reminder to the claimant to provide good reason evidence. The AD uses the level of sanction recorded on the WSP doubt to identify the correct letter from:

- UC38 (for higher and medium, level sanctions)
- UC38a (for low level sanctions)

If there are multiple sanctionable failures the AD sends a Good Reason gather notification for each sanctionable failure.

If the sanctionable failure relates to a loss of pay or a loss of employment, the AD also issues a UC84 (Loss of pay) / UC84a (Loss of paid work) to gain the claimant's consent to contact their previous employer.

The AD posts the notification to the claimant and uploads a copy of the letter to the Document Repository System (DRS).

For claimants who have been asked to provide additional information or contact has been unsuccessful and a reminder letter has been issued, the AD creates the following CAMLite task:

- Task Type: Generic Clerical
- Sub Type: Action Required
- Start Task From: 10 Calendar days
- SLA: 3 days
- Notes: Sanctionable failure evidence received? further request for evidence, AR code, brief description of failure, include details of complex needs, multiple sanctionable failure referral
- Assigned To: UC – Work Services

If there are multiple sanctionable failures, the AD creates a case in CAMLite and creates a separate task for each sanctionable failure so that the tasks can be put into one case.

Updating the claimant's record on the Work Services Platform

To update the claimant's record in WSP the AD:

1. Selects 'Doubt' from the common menu.
2. Selects the relevant doubt.
3. Selects 'Notes.' and then 'Add new note'.
4. Populates 'Notes' with appropriate details which could include:

- if the sanctionable failure is not pursued and the reason why
- visit requested
- awaiting evidence
- call successful or unsuccessful
- complex needs considered
- extension for evidence
- reminder notification
- consent requested to contact the employer
- If a claimant is in conversation with the AD and good reason has been gathered, the AD copies and pastes from the good reason gather notification into WSP doubt notes
- Where AD notes 'No further evidence requested', this informs the DM they are making a decision on the 'notes' displayed in 'Doubt' notes
- multiple sanctions dd/mm/yyyy

5. Selects outside the notes box to save.

The AD updates CAMLite Contact history with all action taken.