

Jobseeker's Agreement doubt

Background

156. The Jobseeker's Act 1995, specifically Section 1, requires claimants to enter into a Jobseeker's Agreement (JSAg) as a condition of entitlement to Jobseeker's Allowance (JSA).

AR Codes

157. The following AR Codes are used for the disallowance in JSAg cases:

- JSA/540 – refusal to enter into a JSAg;
- JSA/541 – whether JSAg is reasonable - dispute;
- JSA/543 – proposed variation to JSAg; and
- JSA/544 – termination of JSAg.

Applicable penalty

158. As entering into a JSAg is one of the entitlement conditions for JSA, the claim is disallowed from either the Date of Claim or the date on which the JSAg could not be agreed, depending on whether the decision is made against the first JSAg or a revision/variation.

159. This penalty was not affected by the changes from 22 October 2012.

What information should be included as part of DMA referral

160. Within the DMA Referrals Guide, jobcentres are advised to include the following information as part of the Labour Market Decision Maker (LMDM) referral:

- JSAg - showing claimant's proposals (signed only by the claimant) and a statement from claimant (signed and dated) - stating the reasons why their terms are reasonable and why they do not agree with any of the adviser's proposed terms;
- JSAg – showing the terms the adviser (signed only by the adviser) wants to include and a statement from adviser showing the reasons why they disagrees with the terms proposed by the claimant;
- Relevant Labour Market Information; and
- Referring officer contact details. This will help decision makers clear any queries quickly by phone.

NOTE: If the claimant requests a variation in the terms of the JSAg, the referral should include the current JSAg, in addition to the list above.

Making the decision

161. A LMDM should only disallow entitlement if they are satisfied that the JSAg is reasonable, given the claimant's circumstances and;

allows the claimant to meet the conditions of entitlement; and
provides the claimant with reasonable prospects of finding work.

162. When considering this decision, the LMDM should take account of the following:

Where the proposed JSAg is made by the Employment Officer

- why the claimant refused to accept the JSAg proposed by the adviser; **and**
- whether the claimant was reasonable in refusing to accept the proposed JSAg; **and**
- what terms the claimant proposes; **and**
- why the adviser considers that the proposed JSAg is reasonable; **and**
- the claimant's availability, including any restrictions on availability; **and**

- the:
 - types of employment that the claimant is seeking; **and**
 - rate of pay that the claimant is seeking; **and**
 - localities in which the claimant is seeking employment; **and**
 - hours that the claimant is prepared to work; **and**
- the guidance at DMG 21600 - 21666 on steps to seek employment and whether they are reasonable.

Where the proposed JSAg is made by the claimant

- why the adviser refused to accept the JSAg proposed by the claimant; **and**
- what terms the adviser proposes; **and**
- why the claimant considers that the proposed JSAg is reasonable; **and**
- the claimant's availability, including any restrictions on availability; **and**
- the:
 - types of employment that the claimant is seeking; **and**
 - rate of pay that the claimant is seeking; **and**
 - localities in which the claimant is seeking employment; **and**
 - hours that the claimant is prepared to work; **and**
- the guidance at DMG 21600 - 21666 on steps to seek employment and whether they are reasonable.

Providing Directions

163. Having considered whether the claimant's proposed JSAg will allow them to meet the conditions of entitlement and whether it is reasonable, the same considerations should be given to the adviser's proposed JSAg, if not.

164. If neither JSAG will allow the claimant to meet the conditions of entitlement or is not reasonable, the LMDM may provide directions as to the content of the JSAg.

165. This may include preparing a new JSAg.

166. Further information around the LMDM considerations for a claimant not availing themselves of employment is available within Chapter 21 of the DMG

Recording the decision

167. When a LM doubt is decided, the LMDM must record their decision on Decision Making & Appeals System (DMAS). Full details on recording the decision are available in the DMAS System User Guide.

Credits only

168. There is no requirement under The Social Security (Credits) Regulations 1975 for a JSAg (or JSA Claimant Commitment) to be in place before a credit is awarded. As credits can still be awarded even if there is no JSAg/CC in place, an LMDM referral should not be made for credits only cases where the claimant refuses to enter into a JSAg/CC. Any such referrals received will be cancelled by the LMDM.

169. However referrals should still be made where the claimant seeks a variation to or disputes the reasonableness of an existing JSAg/CC.