

REQUESTING GUIDANCE FOR JSA AND ESA LABOUR MARKET CASES

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INTRODUCTION

- 1 The way that we handle case guidance for JSA and ESA labour market cases is changing. This memo is to tell you about the new process. Our aim is to continue to support DMs with their decision making and to improve decision making in the Department. This memo applies from 1.5.15.

JSA AND ESA LABOUR MARKET CASE GUIDANCE

- 2 Before we accept a case for guidance, we expect that
 1. you will have consulted the relevant DMG guidance, for example the appropriate paragraphs in Chapters 21 and 34 of the DMG for JSA labour market issues and Chapter 53 for ESA
 2. you will have discussed the case with suitably experienced colleagues in order to find an answer
 3. you have approval from your line manager to send the case to us for guidance.
- 3 We have modified the guidance template which you should use to send JSA and ESA labour market cases to us from 1.5.15. If the guidance template is not fully completed, we will return the case to you unanswered. We also have a new email address for you to use to send JSA and ESA labour market queries. You will be able to access the new JSA and ESA labour market guidance template [here](#).

- 4 Please note that you should not be sending hypothetical cases to us. Your guidance request should concern a real case where a decision needs to be made. The question should be regarding the application of the law, not questions on procedure nor seeking advice on discretion you have to apply within the legal framework.
- 5 Please let us know if the issue you are raising is widespread and affects more than one specific case.

THE DECISION MAKERS' GUIDE

- 6 We are making this change to work towards a more efficient way of providing support and guidance to DMs.
- 7 We want the DMG to be the primary resource that enables DMs to solve most decision making problems in the first instance. DMs are expected to consult Departmental guidance before sending a case to us, and we need to know why that published guidance hasn't helped. If there is no evidence that the DMG has been used prior to sending the case to us, the case will be returned unanswered.
- 8 But if requests for case guidance reveal where the DMG, procedural guidance or learning and development material can be improved, then we can act on that.

POTENTIAL APPEALS

- 9 The process for sending potential appeals challenging decisions of the FtT to us has not changed. DMs and Appeals Officers should continue to follow the existing process and guidelines – please see [here](#)

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds.

DMA Leeds: April 2015