

Absence from home

Introduction

1. This guidance gives details of the action to take when a claimant notifies Jobcentre Plus they will be absent from home. One of two forms may be used in this procedure depending on where the claimant is going and the reason for their absence.

Forms

ES674JP

2. Form ES674JP is titled 'Going on holiday within Great Britain'. Claimants who are going on holiday within Great Britain (GB) will need to complete this form before they go away, although it can be completed on their return if necessary.

ES674CJP, control sheet

3. Form ES674CJP, gives details of the action to take when a claimant notifies Jobcentre Plus of an absence from home for any reason and is designed to help people in Jobcentres.

4. The form can be completed and attached to the Labour Market Unit (LMU) if ES673 is not appropriate. This makes it easier to identify claimants who are away from home and the reason, by looking at the LMU.

5. The control sheet reduces the number of claimants completing ES674JP unnecessarily as the ES674CJP is used to record the following circumstances;

- Holidays abroad;
- Interviews abroad;
- Going away to look for work in GB;
- Absence from GB due to domestic emergency;
- Domestic emergency in another part of GB;
- Employment related course/voluntary work abroad;
- Employment related course in GB;
- Attending a residential work camp;
- Attending an Open University residential course;

Holidays in Great Britain

Definitions

6. Great Britain is England, Scotland, Wales, Shetland, Hebrides, Orkney, Lundy, Isles of Scilly, Isle of Wight and the territorial waters adjacent to GB. GB does not include:

- Northern Ireland;
- Isle of Man; or
- The Channel Islands.

7. However, for holiday purposes, Northern Ireland and the Isle of Man can be treated as being in Great Britain.

Claimant completes form ES674JP

8. Before issuing form ES674JP complete the first section on the front page with the claimant's;

- surname and initials;
- claim file and cycle;
- National Insurance number;
- date of birth; and
- benefit week ending day.

9. On receipt of the completed form, whether received by hand or post, enter the date it was received and your initials.

10. Check the answer to each question on ES674JP:

Question	Notes
What date will you leave home to go on holiday?	If the claimant is going away after the next date they are due to attend, remind them that they must attend as normal
On what date will you come home from holiday?	Tell the claimant that they must attend the office on the first day it is open after they return. Enter the date in the space provided on the notes that are issued to the claimant.
Address and phone number of where you will be staying while you are away	This should be the address of the hotel, campsite or holiday home where they can be contacted. If they are touring ask for details of where they will be on each day. If no contact address is available there may be an availability doubt unless the claimant is able to give a mobile phone number or other means of contact. If they do not know the address of where they will be staying until they get there ask them to phone the address in as soon as possible
Can you be contacted at this address?	If the claimant cannot be contacted at the address given or by mobile phone, check whether they can give an alternative contact address. If no contact address or mobile phone number can be given, there may be an availability doubt.
Tell us how we can contact you	If the claimant cannot be contacted whilst they are away, there is an availability doubt unless they will be in contact with someone acting on their behalf for all jobsearch purposes

<p>Tell us the address and phone number of someone you will be in contact with while you are away</p>	<p>if the claimant states they can be contacted at their home address, record the following details on form ES589;</p> <ul style="list-style-type: none"> • who will be at home to receive messages; • how and when they can be contacted if a job opportunity arises; • how and when the claimant will be contacting them during the period of absence. <p>If the claimant gives any other contact who will be taking messages or helping with their jobsearch, take full details of who they are and how often the claimant will contact them.</p> <p>If the claimant indicates they do not intend to contact anyone whilst they are away and they do not provide details to enable us to contact them, there will be an availability doubt</p>
<p>Are you willing to come home straight away to take up a job opportunity?</p>	<p>If the claimant is not willing to return home immediately or within time limits allowed in their particular circumstances, for example, if they have caring responsibilities, and they are still doing the caring whilst away from home, there is an availability doubt</p>
<p>Are you able to come home straight away to take up a job opportunity?</p>	<p>If the claimant is not able to return home immediately or within time limits allowed in their particular circumstances, for example, if they have caring responsibilities, and they are still doing the caring whilst away from home, there is an availability doubt</p>
<p>Why are you unwilling or unable to return home immediately?</p>	<p>If the claimant is unable or unwilling to return to attend an interview or take up employment, there may be an availability doubt. Full details of the reasons should be given on ES589</p>
<p>Are you available for work, as described in your Jobseeker's Agreement, while you are away?</p>	<p>If the claimant is not available as stated in their JSAg they may have placed a restriction on their pattern of availability or there may be an availability doubt</p>
<p>If you are not available for work on any day while you are away, please tell us when.</p>	<p>If the claimant is not available on days of travel or for particular dates while they are away consider varying the JSAg, if not there may be an availability doubt or a restriction placed on their pattern of availability</p>
<p>If you are not available for work at any times while you are away, please tell us when.</p>	<p>Does the claimant wish to vary their JSAg to satisfy the availability conditions?</p>

Will you be looking for work while you are away?	If the claimant does not intend to look for work while they are away, check whether they can be treated as ASE. If LMS or ES675 shows the claimant has already been treated as ASE for the maximum period allowed during the past 12 months, or the absence exceeds the maximum period for which they could be treated as ASE, explain to the claimant that they will have to ASE during all or part of their holiday to continue to receive JSA for the holiday period
When and where will you be looking for work?	Offer jobsearch advice to help the claimant meet the actively seeking employment condition while they are on holiday
During what period will you be looking for work?	Offer advice and guidance to help the claimant decide whether they want to be treated as ASE. For example, if the claimant has enough time before they go away, or after they return, in which to take sufficient steps to seek work they may not want to be treated as ASE for the weeks they are on holiday

11. The declaration must be signed by the claimant. Make sure they have read signed and dated the ES674JP and that the date of the next attendance is entered on the notes they are given.

12. Jobseeker's Allowance should not be paid to claimants while they are away. Any Jobseeker's Allowance owed will be paid to them when they return home.

Claimant unable to complete forms before going away

13. If a claimant notifies you by telephone or by letter that they are going away and there is not enough time for ES674JP to be completed before they go, record as much of the following information on LMS conversation screen as possible;

- the dates of absence;
- the claimant's temporary address if they have given one;
- the reason for absence;
- whether the claimant will be ASE in their home area or the area they are visiting during the period of absence;
- whether the claimant is able and willing to return, immediately, to attend an interview or start employment;
- what arrangements the claimant has made to be notified of job opportunities that may arise during their absence from home.

14. Complete form ES674CJP and attach it to the LMU. Tell the claimant they must attend the office on the first day it is open after they return home. Follow this up with a letter to remind the claimant to attend on the appropriate date.

15. When the claimant attends, ask them to confirm the details of their absence held on LMS. If there are any availability doubts, ask the claimant to complete form ES674JP.

Claimant returns from holiday

16. Following the holiday the claimant should attend the office on the date shown on ES674JP. Check whether they were available for work during the period of holiday.

17. To be available for work claimants must be available in an active, positive sense and take some active steps to draw attention to their availability.

18. Claimants are not available for employment if they are passive and merely wait for someone to find them and offer them work. For example, if the claimant has provided their home address as a contact while they are away check that there was someone at home to take messages and what arrangements the claimant made to be notified of those messages.

19. If the claimant does not attend the office on the date specified on the notes from ES674JP follow the procedures for failing to attend an interview.

Claimant does not notify absence before going away

20. There may be occasions when the claimant does not or cannot notify the Jobcentre office that they will be away from home. For example this could be because they;

- have been called away urgently;
- have been given the opportunity of a holiday at short notice;
- have been unable to return when they expected to.

21. In these circumstances you will need to check whether they have missed a day of attendance or a planned interview. If they have, normal failure to attend action will be necessary.

22. If they have attended on their normal day and state that they have been away since they last attended take the following action:

Step	Action
1	complete ES674CJP and ES674JP if appropriate, as if you had been notified in advance; the date of completion should NOT be earlier than the actual date it was completed;
2	explain that they cannot be treated as ASE for any holiday period because they did not inform you before going away;
3	ask what they have been doing to look for work while away and record on ES589;
4	refer any doubts on availability and ASE to the Labour Market Decision Maker (LMDM).

23. The completed holiday form may show the claimant was available. In these cases accept the availability and refer the ASE doubt because they did not notify you in advance that they did not intend to actively seek employment while they were away.

24. When the reason for being away is not a holiday consider whether the claimant can be treated as available/ ASE, form ES673 may be useful as a checklist but it is not necessary to complete one.

25. When they can be treated as available/ ASE do not refer to the LMDM. Make a note on LMS of the details of the absence from home and that no DMA action was necessary.

Actively seeking employment

26. Claimants can be treated as ASE for a maximum of 2 benefit weeks in a 12 month period if they are away from home, still in GB and do not intend to actively seek employment while they are away.

27. They must be available for the period they are away to continue to receive JSA. If there is a doubt on their availability they can still be treated as ASE.

28. Claimants must decide in advance whether they want to be treated as ASE while they are away. To help them decide, discuss what steps they would be required to take if they chose to actively seek employment while away from home. Record any advice given on ES589 or LMS. Explain that their steps to seek work will be reviewed when they return.

29. If they choose to be treated as ASE, check whether they have been treated as ASE for the same reason before, shown on form ES675 filed in the LMU, because of holiday.

30. The claimant may have to actively seek employment for part of the holiday depending on when they go and their week ending.

Availability

31. The claimant must remain available for the period of the holiday. Any doubts should be referred to the LMDM. These referrals should be for whole benefit weeks not just part weeks of absence. This is because the claimant will have placed a restriction on their pattern of availability because they have not been available for the whole period unless they have varied their JSAG before going away

Claimant away for more than 4 weeks

32. The regulations do not state a maximum period that claimants can be away from home in GB. However, if a claimant is on holiday in GB for more than 4 weeks and is available and ASE, it would be reasonable to expect them to either:

- make a claim at the Jobcentre nearest to where they are staying; or
- return to their home after a 4 week period and visit the Jobcentre to have their availability and jobsearch activity reviewed.

33. If there is any doubt about the claimant's availability and ASE because they are away from home for a long period always refer to the LMDM with as much jobsearch evidence for the period away as possible.

Claimant going abroad on holiday

34. If the claimant states they are going abroad on holiday:

Step	Action
1	complete ES674CJP, control sheet;

2	ask them to complete their ES40 indicating the date and time they are leaving GB;
3	input dialogue JA099: Record Claim Termination Action to terminate the claim;
4	mark LMS as inactive;

35. The termination date should always be the first full date of absence from GB. For example, if a claimant leaves GB at 3am on 18 August 2002, the termination date must be entered as 19 August 2002.

36. Watch for claimants in a joint claim going abroad. It is possible that only one of them will go away. If a claimant in a joint claim has an exemption and they go abroad the joint claim will remain for up to 4 weeks.

37. The claimant who continues to attend should notify when the other claimant returns to avoid the claim being affected. Unless one of them is treated as in Great Britain when the claim will remain a joint claim.

Claimant returns to GB

38. When the claimant returns from holiday, they will need to make a new claim to JSA and a New Jobseeker Interview will need to be arranged. An appointment can be arranged before they go away if this will save time later.

Claimant does not wish the claim to be terminated

39. In exceptional circumstances, a claimant may not agree to their claim being terminated and will not complete their ES40. Despite this, their claim should be terminated and ES674CJP completed with details of the date and time of their departure.

40. Take a signature for the period up to and including the date of departure. Send the JSA460 and a copy of ES674CJP to the BC, to notify the absence and the fact that the claimant did not want to terminate their claim.

41. When the claimant returns from abroad, they will need to make a new claim in the same way as claimants that agreed to terminate their claims.

Claimant does not notify absence abroad until return

42. If the claimant has not informed you that they were going abroad in advance but tells you when they return, the claim will still need to be terminated and a new claim for JSA completed.

Single day absences abroad

43. There may be occasions when the claimant goes abroad for only one day or part of a day. For example, this could be because they are going across the Channel for a shopping trip or going to attend a funeral.

44. If the absence lasts less than 24 hours there would be little point in terminating the claim because the day it would be terminated from would be the same day as the TAM date of the new claim.

45. In these circumstances, provided advance notice is received, check the claimant's pattern of availability for the week in question. If the claimant could

vary their Jobseeker's Agreement (JSAg) to avoid needing to be available on the day of absence, they may wish to enter into a varied JSAg for that week.

46. If the claimant is going to be absent on their usual day of attendance they will need to vary their JSAg in advance if they wish to avoid an availability doubt being raised for the whole week. A failure to attend question will need to be referred to the LMDM when they attend and they still need to satisfy the availability and ASE conditions with the varied JSAg.

Attending an Interview Abroad

What the law allows

47. In certain circumstances, claimants can be treated as being in GB and available for, and Actively Seeking Employment, if they go abroad to attend a job interview.

48. Claimants can be treated as available for 1 week on each occasion they are temporarily absent from GB due to a job interview, provided they inform us before they travel.

49. A week in these circumstances means 7 consecutive days from the date the claimant goes abroad.

50. As long as the temporary absence from GB is for at least 3 days, they are treated as ASE for a maximum of 1 week on each occasion. A week in this case means a benefit week.

Claimant notifies interview abroad

51. If the claimant informs you they will be attending an interview abroad:

Step	Action
1	complete form ES674CJP with dates they will be absent from GB;
2	ask the claimant to give details of the job interview and record the information on a JSA460;
3	ask for evidence if there are any doubts;
4	complete ES673, ticking box C to show the reason the claimant is being treated as available and ASE and that they are excused attendance;
5	send a copy of the ES674CJP to the BDC with details of the interview so they can input dialogue JA091: Maintain Claim Details and release a payment.

Claimant returns from interview

52. When the claimant returns from the interview, transfer the details from ES673 to an ES675 so that there is a record in the LMU of all periods the claimant has been treated as available/ ASE. The ES673 can then be filed in the ES80K.

Claimant does not notify interview abroad in advance

53. If the claimant does not tell you they have attended an interview abroad until they have returned, take the following action:

Step	Action
1	ask them to provide details of the interview including dates they were away;
2	refer to the payment Decision Maker for consideration of the absence from GB;
3	explain that they cannot be treated as available and ASE because you were not notified in advance.

Period abroad for job interview exceeds 7 days

54. If the claimant is going to be abroad for more than 1 week to attend an interview, the absent claimant cannot take advantage of the treated as available provision. This is because the period abroad exceeds 7 days. In these circumstances the claim should be terminated.

Periods abroad for job interview is less than 3 days

55. If the period abroad is for less than 3 days, the claimant cannot be treated as ASE for the period abroad. Claimants must take some additional steps to ASE in that benefit week, unless taking only one step that is the interview, was all that it was reasonable for them to take.

Excused attendance at a Jobcentre

56. Attendance is excused if the claimant is absent from GB on their attendance day, to attend an interview. The ES673 placed on the front of the LMU will identify these cases and prevent Failure to Attend action being taken.

Going abroad to look for work

57. If a claimant is going abroad to look for work but has not got an interview arranged, they cannot be treated as being in GB.

58. They should be advised that if they are receiving JSA(C) they might be able to export their benefit. If they do not wish to do so they should complete their ES40 and their claim will be terminated. They will need to make a new claim to JSA when they return.

Claimant leaves employment to accompany spouse or civil partner abroad

59. If the claimant is the spouse or civil partner of a worker who has been moved abroad by their employer, for example, HM Forces spouse or civil partner, they may have left employment to do so. This may raise a doubt on both whether they have left voluntarily and whether they are available for employment.

60. If a doubt arises they may not be able to export their benefit, as they would not be entitled to JSA(C) on the day of their departure. Each case is decided on its own merits, but if they obtained employment in this country they would not be able to export their JSA(C).

Other absences abroad

Employment related training/voluntary work

61. If a claimant states that they are going abroad to;

- attend a training course; or
- attend employment related training; or
- do voluntary work.

62. Their claim will need to be terminated as if they were on holiday. This is because there is no provision for these groups to be treated as being in GB or treated as available and ASE. The only exception to this is if the claimant is in receipt of a training allowance.

Domestic emergency abroad

63. A claimant may notify you that they need to go abroad because of a domestic emergency, this could include;

- a death or serious illness of a close relative or friend; or
- a funeral of a close relative or friend; or
- any emergency that affects the claimant or close relatives or friends.

64. As these can be sensitive issues care needs to be taken in explaining to the claimant that JSA is not payable if they are absent from GB. They should complete their ES40 so their claim can be terminated. They will need to make a new claim on their return.

65. There are exceptions to this in cases where the claimant is taking a family member who is a child or young person abroad for treatment for a physical or mental condition. They can be treated as available and ASE for a maximum of 8 weeks

Other absences from home in Great Britain

Domestic Emergencies

66. JSA regulations allow claimants to be treated as available if they have a domestic emergency that prevents them attending the Jobcentre. They can also be treated as ASE if the emergency lasts for longer than 3 days. See Treated as Available/ASE for further information.

67. Quite often the emergency will take the claimant away from home, for example, if there is illness in the family in another part of the country.

68. The claimant can be excused attendance in these circumstances providing they let the Jobcentre know on or before the day of attendance that they will not be able to attend.

69. Claimants may visit a Jobcentre in the area they are visiting to report the change in their circumstances and to make sure their payment is not affected. This could happen when they are unable to notify their Jobcentre before leaving.

70. If a claimant attends your office and states they are visiting your area because of an emergency take the following action:

Step	Action
1	take a statement on a JSA460, to include: <ul style="list-style-type: none"> • the claimant's personal details; • the reason they are in your area; • how long they will be there; and • the Jobcentre they usually attend;
2	ask the claimant to sign it;
3	inform the home Jobcentre that the claimant is away from home and the reason why;
4	send the signed statement to the home Jobcentre for action.

71. If you receive a statement from another Jobcentre notifying the absence of a claimant:

Step	Action
1	check the claimant's details;
2	make sure there are full details of the reason for absence;
3	complete ES673 and attach to LMU to show the claimant has been excused attendance;
4	notify the BDC of the period of non-availability so they can input dialogue JA091: Maintain Claim Details and release payment.

72. It is not necessary for the claimant to complete form ES90 or ES674JP for these cases at either Jobcentre. The claimant should however, be interviewed on their return to check the length of time the domestic emergency lasted. Take any necessary action if it lasted more than the prescribed time to refer to the LMDM.

Outward Bound Courses

73. Claimants that go on Outward Bound Courses can be treated as ASE for a maximum of 3 benefit weeks in any year, provided they attend the course for at least 3 days a week. They must remain available for work.

74. Outward Bound courses are courses or programmes for personal development provided for people who are not in employment.

75. The claimant must notify Jobcentre Plus in writing, and form ES674CJP must be completed before they go away if they do not intend to actively seek employment while they are on the Outward Bound Course.

76. The course organiser should issue a letter to the people on the course informing them of the dates, the location and the times of attendance. Ask the claimant for a copy of the letter and attach to the ES674CJP.

77. Send a copy of ES674CJP and the letter to the BDC to notify them of the absence.

78. Claimants who attend an Outward Bound course for less than 3 days in a week must take some steps to satisfy the ASE condition in that week, unless taking only one step was all that was reasonable for them to take.

79. Take into account the time spent on the Outward Bound course when considering whether the steps the claimant has taken to look for work are sufficient and reasonable.

Training in the use of guide dogs

80. Blind claimants who are attending a course of training in the use of guide dogs, can be treated as ASE for up to 4 weeks in any year if:

- they notify Jobcentre Plus, in writing if possible, before going away that they do not intend to look for work while attending training in the use of guide dogs; and
- the training takes place on at least 3 days a week.

81. Blind claimants that go away from home can also be treated as ASE for a further 2 weeks in any year, irrespective of the reason for their absence.

82. The training school should inform the claimant in writing of the course details and a copy of this letter should be attached to ES674CJP which is filed on the front of the LMU. A copy of the ES674CJP and letter should be sent to the payment processing section to notify the absence.

83. Claimants who are attending a course of training in the use of guide dogs for less than 3 days in a week must take some steps to satisfy the ASE condition in that week, unless taking only one step was all that was reasonable for them to take.

84. Take into account the time spent undertaking training in the use of guide dogs when considering whether the steps the claimant has taken to look for work are sufficient.

National Citizen Service

85. National Citizen Service (NCS) is a government personal development programme that gives 16 year olds the chance to learn new skills and get involved in their communities. It is intended that in 2012, the programme be extended to include 17 year olds.

86. Participation in NCS is for three weeks:

- The first two weeks are spent away from home:
 - week one being an “outward bound” type week;
 - week two spent in community involvement - visiting local community groups (e.g. environmental or with the elderly) as a pre-cursor to designing and delivering their own social action project.
- In the final week, they spend an additional 30 hours working in their communities in their own time.

87. Participation in NCS is voluntary and claimants will apply to take part themselves. They will not be referred by DWP.

Claimant reports NCS participation

88. Any claimant reporting that they will be participating in NCS should complete the ‘going away from home’ form, ES674JP or ES674CJP to cover the period of the residential elements of the programme.

89. During their time on NCS, claimants must be available for work. They must also be actively seeking employment (ASE) unless the claimant elects to be treated as actively seeking.

90. Claimants can be treated as ASE for a maximum of two benefit weeks in a 12 month period if they are away from home, still in GB and do not intend to look for work while they are away. If they choose to be treated as ASE, check whether they have been treated as ASE for the same reason before (holiday) as shown on form ES675 filed in the LMU.

91. If they choose **not** to be treated as ASE, then they must look for work whilst taking part in NCS. The claimant should be interviewed by an adviser before departure and agree a revised JSAg to cover their time on NCS which should be reviewed and revised again upon their return. The adviser may decide that participation in NCS could be one of the (or the only) step(s) to finding work to take for this period.

92. As claimants receiving JSA under a Severe Hardship Direction may lose their entitlement to JSA for the two week residential element of NCS, they must be advised accordingly so that they may make an informed decision regarding their participation.

93. DMA action should **not** be taken on any claimant who changes their mind regarding participation on NCS or who starts but does not complete the programme. This is because NCS is an entirely voluntary programme.