

# **Skills guide**

## **03 Skills offer and Skills Conditionality – England**

### **Overview**

1. The Skills Offer delivers provision designed to help claimants gain and develop skills necessary to enter the labour market.
2. Advice and guidance on careers, training, funding and other assistance is also available from the National Careers Service.
3. Provision is delivered by colleges and independent training providers funded by the Skills Funding Agency.
4. Provision has been agreed locally between Jobcentre Plus districts, local colleges and providers.
5. Areas such as literacy and numeracy, ESOL, general or specific occupational skills necessary to enter the labour market are covered.
6. Full and part time provision is available to meet claimant needs.
7. The District Provision Tool (DPT) provides full details of provision in your area.
8. Under Skills Conditionality, attendance and participation is mandatory for all JSA and ESA WRAG claimants referred to the National Careers Service or skills provision, or DWP Contracted ad-hoc skills provision. This includes the Initial Provider Interview.
9. Claimants who have no skills need in relation to their job goals but wish to enhance their skills should be signposted to the National Careers Service or local training providers. Attendance and participation is non mandatory for signposted claimants.
10. Operational Data Sharing arrangements are in place, please see the section below.

### **Eligibility**

11. All Jobcentre Plus claimants are eligible for fully funded training from the first day their benefit is in payment, regardless of benefit type.
12. This includes training to meet basic literacy / numeracy needs and to achieve a first full level 2 qualification.
13. 19-24 year olds are also entitled to have their first full level 3 qualification fully funded.
14. Claimants aged 19+ are eligible to take part in Skills Funding Agency funded provision.
15. Education Funding Agency funded provision is available for claimants aged 18 and over. See the Skills Guide for Partnership Managers.
16. For information on provision available see your local District Provision Tool and LMS opportunities.

## **Skills Conditionality – England**

### **Overview**

17. Skills Conditionality is a referral process for Jobseekers Allowance (JSA) and Employment and Support Allowance (ESA) claimants in the Work Related Activity Group (WRAG) who have a skills need which is the main barrier preventing them moving into work.
18. These claimants are mandated to skills provision funded by the Skills Funding Agency or the Education Funding Agency, and to DWP Contracted ad-hoc skills provision.

19. Where skills needs are less clear, claimants should be mandated to the National Careers Service for a further skills assessment (Skills Health Check).

20. Skills conditionality applies to claimants attending provision on a full or part time basis.

21. Attendance and participation is mandatory for all JSA and ESA WRAG claimants referred to the National Careers Service, skills provision or DWP Contracted ad-hoc skills provision. This includes Initial Provider Interviews where used. This should be clearly explained to claimants.

22. Where providers or the National Careers Service notify Jobcentre Plus that a claimant has failed to start/participate/complete provision, or has lost their place through misconduct, the case must be referred to DMA, except in very occasional and exceptional circumstances where a work coach may identify good reason.

## **24+ Learning Loans and Skills Conditionality**

23. From August 2013, claimants aged 24+ who wish to undertake training at level 3 or above will need to take out a 24+ Advanced Learning Loan, unless DWP will meet the costs of the course.

24. Where DWP will meet the costs of the course, claimants can be mandated under Skills Conditionality.

25. Where DWP will not meet the cost, the claimant will be required to take out an Advanced Learning Loan and cannot be mandated. Claimants should be signposted to colleges/training organisations to discuss their eligibility for Loans. See the 24+ Learning Loan briefing for further details.

## **JSA Claimants**

26. Skills Conditionality applies to Claimants aged 18+, claiming Jobseekers Allowance including those in joint claims.

## **Credits Only Cases**

27. The AR code for credits only opinion cases is JSA 811 O. LMDMA referrals for opinion decisions for sanction doubts should not be made by Jobcentre Plus staff.

28. It is possible that some cases will be referred from providers requiring an opinion decision for a sanction doubt. These cases should be cancelled upon receipt.

## **Customer and Partner Claims**

29. Where a couple is claiming JSA as a 'customer and partner,' Skills Conditionality applies where the named claimant has a skills need which is the main barrier to them gaining employment. Although skills conditionality does not apply to the dependant partner, they can be signposted to skills providers and the National Careers Service.

## **JSA Sanctions**

30. Referred JSA claimants who refuse or fail to attend, participate or complete provision may face benefit sanctions for failure to take part in any scheme set up under The Jobseekers Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013.

31. Sanctions may be for 4 or 13 weeks, dependent on whether there have been any previous similar sanctions in place.

## **ESA WRAG Claimants**

32. Referred ESA WRAG claimants are expected to take reasonable steps to prepare for work. Any work-related activity must be reasonable, considering the individual's circumstances and health condition. Where appropriate, addressing the skills need is a Work Related Activity. Existing ESA conditions of entitlement while participating in training apply.

## **ESA Sanctions**

33. ESA payments may be reduced by the amount of the personal allowance component until training is attended and participated in (or other activities agreed and notified to the claimant). After that, ESA be reduced for:

- One week, or
- Two weeks if benefit has already been reduced for failure to undertake work related activity or attend and take part in a work focused interview in the previous 52 weeks
- Four weeks if benefit has been reduced for those reasons more than once, with the most recent previous failure being within 52 weeks of the current failure.

**Note:** These sanction periods came into force on 3 December 2012.

34. If Employment and Support Allowance is reduced, Hardship payments may be available.

## **Referral Process**

35. Detailed guidance of the Skills Conditionality referral processes in England for provision and the National Careers Service can be found in chapters 4 and 5 of the Skills Guide.

36. LMS must be updated with all referrals made under Skills Conditionality.

37. Follow up activity must be undertaken promptly to confirm attendance or failure to attend (FTA) on provision and the results recorded on LMS for all referrals made under Skills Conditionality.

## **Change of Provision requirements after start**

38. Where a claimant is mandated to attend provision and the provider decides partway through the course that:

- It is not suitable for the claimant.
- It is not the most suitable course of action; or
- The claimant requires something different first e.g. support to address dependency (Local arrangements should be in place for providers to inform Jobcentre Plus of these decisions)

Discussion should take place between provider/JCP to confirm whether adjustments can be made to facilitate on-going attendance and address the claimant's needs.

39. Where alternative arrangements cannot be agreed, the requirement to attend and participate may be removed.

40. Update LMS to reflect the changes.

## **Failure to Attend, Participate or Complete Provision**

41. Where a claimant fails to attend, participate or complete provision, providers:

- Notify JCP immediately via locally developed processes, or via the REF2/SL2 (Where appropriate).
  - SL2 is still required for full time claimants going onto a training allowance, for audit purposes.
- Return fail to attend/participate/complete details.
- Complete and returns form Skills 11 for misconduct cases.

## **DMA Referral**

42. Upon receipt of the fail to attend/participate/complete notification,:

- Update LMS to show "Did Not Start";
- For Failed to Attend cases, allow the claimant 5 days in which to respond and record this date on the SC-FTP-01 letter.

- In all other cases, determine a reasonable amount of time for the claimant to respond, given their personal circumstances and record this on the SC-FTP-01 letter.
- Issue SC-FTP-01 letter to claimant to allow them opportunity to demonstrate good reason for failing to attend; the claimant should complete page 2.

**NOTE: If the claimant is an ESA claimant who has a condition that could affect their ability to understand and comply with conditionality, consider whether a Core Visit to their home should take place before taking DMA referral action.**

43. If the claimant returns page 2 of the SC-FTP-01 letter, attach the completed form to the SC DMA5 and send to DMA.

44. If the claimant has not responded by the date specified on the SC-FTP-01 letter, refer to DMA by completing the SC DMA5 form, noting that the claimant has failed to respond to your request for information.

- The work coach can decide whether a claimant shows good reason for not attending.
- Good reason should only be recorded on LMS through the Decision as Good Reason, with the reason recorded in the notes box.
- A Good Reason Guide is available to support in the identification and recording of Good Reason on LMS.
- Where good reason is not applied, all cases **must** be referred to a decision maker on form SC DMA5 form using the process detailed in DMA referral guidance .
- Consider re-referral / re-engagement with provider.

### **Claimant signs off when a doubt is raised**

45. Where a doubt arises (through failure to attend, participate, complete or misconduct), but the claimant signs off before a referral to DMA is made:

- Retain any relevant paperwork (Skills 11 etc) for the period of the potential sanction (4 or 13 weeks depending on any previous sanctions).

**Note: This will be needed should the claimant make a rapid reclaim within the period of the sanction.**

- Record that a doubt exists in LMS conversations;

### **Claimant makes Rapid Reclaim**

46. If the claimant makes a Rapid Reclaim within the period of a possible sanction (4 or 13 weeks from the doubt arising, depending on any previous sanctions):

- Refer the case to referral to DMA
- Consider re-referral or re-engagement.

### **Skills Conditionality AR Codes**

47. Two Adjudication Review (AR) codes apply for Skills Conditionality:

- JSA/811 Failed to Participate in Skills Conditionality
- JSA/811/O – Failed to Participate in Skills Conditionality (Credits only) - **Do not refer Credits Only cases.**
- ESA/JSA/340 - SC Failed to Undertake WRA

### **Travel, Childcare and Replacement Care Costs**

48. Mandated claimants attending the National Careers Service, Initial Provider Interviews, full or part-time provision (including DWP Contracted ad-hoc skills provision) must be offered help with travel, childcare and replacement care costs.

49. Full details of how to make travel, childcare and replacement care costs are included in the Provision Skills Provision - England chapter of the Skills Guide.

50. Signposted claimants may receive help with costs under the Flexible Support Fund at District discretion.

## **Skills Conditionality Suggested Best Practice**

### **Single Point of Contact (SPOC)**

#### **Introduction to the SPOC role**

51. It is recommended that a Single Point of Contact (SPOC) is nominated to provide an operational interface between JCP and providers.

52. Local discretion can be used to determine activities and processes undertaken by a SPOC and whether the SPOC is situated at a local, cluster or district level.

53. SPOC activities may include:

- Creating, collating and issuing claimant referral lists to providers in advance of start dates.
- Follow Up with providers within 48 hours of start dates to confirm attendance/failure to attend.
- Ensuring referral lists/SL2's (where appropriate), are returned promptly.
- Updating LMS with attendance results.
- Notifying the work coach of claimants failing to attend or complete the provision to enable DMA action/Follow Up.

54. The SPOC role removes the need for the work coach to complete and issue referral paperwork (Ref2/SL2 forms) for individual claimants.

**Note:** SL2 forms are still required for claimants attending provision on a full-time basis, to support the payment of Training Allowance.

- Where a SPOC is not implemented, the work coach should continue to issue REF2/SL2 forms, as appropriate, to providers via secure courier for each individual claimant. In these instances, the work coach must undertake follow up activity, receive attendance notifications and update LMS.

#### **Referral Lists**

55. Referral lists are not claimant trackers and must be provider specific. Where referrals to multiple providers take place, there should be a separate spreadsheet for each provider. The spreadsheet will be designed locally, however must contain:

- DWP logo
- Claimant details to include job goals and benefit type
- Potential Skills need
- Date referred by the Jobcentre
- Date of interview arranged with Provider.

56. An example referral spreadsheet is available.

### **Identify claimants who have been referred (SPOC)**

57. Details of claimants referred to individual opportunities can be flagged up by the work coach or obtained from LMS.

58. Flagged up by the work coach:

- Where a locally developed referral list is adopted, mechanisms should be implemented to ensure all referred claimants are captured on the referral list.
- The SPOC would collate the details and send lists to the relevant providers.

59. Obtained from LMS:

- Open LMS;
- Open 'VOPs';
- Input the opportunity reference number;
- Click 'RefHis' to open the referral history.

60. This displays all claimants referred to the opportunity.

61. To Copy and Paste information from LMS to another document:

- Click and drag information so it is highlighted.
- Hold down the Control key [Ctrl] and press C. This copies what is highlighted.
- Click in the document where you want to paste.
- Hold down the Control key [Ctrl] and press V.

62. The 'nominal roll' can be used as the list and printed by:

- Entering the opportunity on LMS;
- Click [Print] to open the "print options" box;
- Select "Nominal Roll";
- Click [Print].

**Note:** Printing the "nominal roll" will print all claimants who have ever been referred to this opportunity. The printed list does not show the referral dates.

## **Sending information to providers**

63. All information sent between JCP and providers must be sent securely.

Information can be sent via:

- Secure courier
- Encrypted e-mail (where arrangements are in place with providers)

## **Confirming attendance**

64. The SPOC should contact providers to confirm attendance within 48 hours of the start date either by:

- Telephone; or
- Encrypted e-mail (where arrangements are in place with providers)

65. Update the outcome on LMS.

66. Where a claimant does not attend, the SPOC must

- Notify the work coach so that DMA action can be considered.

## **During provision**

67. During the provision the provider will notify the SPOC of:

- Any absences
- Issues and concerns
- Claimants leaving provision early
- Claimants completing provision.

68. Upon notification the SPOC:

- Updates LMS and
- Notifies the work coach so the relevant process can be followed.

## **Claimants fail to complete provision**

69. Providers should notify SPOC of claimants failing to complete provision.

70. Where claimants lose their place on provision due to misconduct, the provider completes Skills 11 form and returns to SPOC, or the work coach if a SPOC is not in place.

71. Upon notification the SPOC:

- Updates LMS and
- Notifies the work coach so that the failure to participate process can be followed.

## **Claimants complete provision**

72. Providers should notify SPOC when claimants complete provision.

73. Upon receipt the SPOC must:

- Update LMS; and

- Notify Allowance Payments teams (where a Training Allowance is in payment).
- Notify the referring work coach

## **Secure Email**

74. In some cases it may be possible to send/receive information between JCP and providers via secure email.

75. Pretty Good Privacy (PGP) Universal Secure Email (SEM) is an application used by the Department to allow approved users to send encrypted/digitally signed emails to trusted external organisations and individuals, and to decrypt incoming emails.

76. Secure Email can only be used for Secure Data Transfers to / from external organisations/individuals if the appropriate Data Movement Approval is in place. Details of how to apply to move data can be found within the CIT Security Guidance.

77. External providers need to have suitable encryption in place in order to communicate with SEM users.

78. As access to Secure Email is allocated to an individual DWP email address, specific individual(s) should be identified to access the service; access can not be given to shared team email addresses.

79. Full details on how access is granted and how and when Secure Email can be used are located in the Secure Email - DWP User Guide.

## **Operational Data Sharing for Skills - England**

80. Regulations are in place, which allow the Secretary of State to share information about clients in relation to employment, skills and training with careers advice services and skills providers, where this information is necessary to effectively administer their training and benefits. Only those items of information that are listed in the Operational data share data list can be exchanged without breaching the Data Protection Act 1998. Claimant consent is not required for this information.

Please note that information on criminal records; health details and other sensitive personal information are not listed in the Operational data share data list so informed consent is still required to pass on this information.

**Note:** These arrangements do not extend to non Skills Funding Agency providers; existing data security requirements for transferring information continue to apply.

81. These regulations remove the need to obtain informed consent for every claimant every time non-sensitive personal information needs to be shared between Jobcentre Plus, and providers as mentioned above.

82. This supports more responsive, consistent and informed action planning between relevant organisations around the agreed steps to up-skill individuals.