

## **5. Sector-based work academies (sbwa) - advisers (England)**

Note:

When using an abbreviation for sector-based work academies, for legal reasons “sbwa” must be used in lower case only.

Separate guidance is available for sbwa in Scotland. Similar support is available through Work Ready for claimants in Wales.

### **Guidance Queries and Help**

1. If you are unable to find an answer to a particular question regarding the policy within this guide you must contact the Jobcentre Plus Live Support Advice Line. Do not give the Advice Line number to claimants or outside bodies under any circumstances, it is for the use of Jobcentre Plus staff only. Details of how to contact them can be found on the DWP Advice Line Home Page.
2. Please do not use the ‘E-mail page owner’ and ‘Page information’ links at the bottom of each page of guidance to raise policy queries, these should only be used to report broken hypertext links.

### **Policy Intent**

3. sbwa (sector-based work academies ), were launched in England in August 2011 and are part of the package of Get Britain Working measures that can be used by Jobcentre Plus to help individuals into work.
4. sbwa are designed to support JSA, ESA (WRAG) customers and Lone Parents aged 18 – 24 who are entitled to income support solely on this basis whose youngest child is aged 4, who are close to the labour market but who have been unable to find work to move into sustained employment in a sector with vacancies with the aim of supporting employers in those sectors to fill their vacancies more efficiently.
5. sbwa are available to JSA and ESA(WRAG) claimants aged 18 or over from day 1 of their claim.
6. Detailed design of sbwa will not be fully prescribed from the centre but will last for a maximum of six weeks and will usually consist of:
  - pre-employment training (PET) of:
  - work experience placement (WEP); and
  - guaranteed job/apprenticeship interview(GJI) with an employer in the sector or support with an employer’s recruitment processes.
7. In exceptional circumstances where the employer is unable to offer a GJI due to their recruitment processes, the sbwa can consist of PET and WEP only. In these cases, support will have been built into the sbwa, to help the claimant with the employer’s recruitment processes.
8. With the exception of the GJI, which cannot be held before the PET, the elements can run in any order or be blended depending upon employer needs.
9. Claimants will remain on benefit throughout the sbwa

10. It is expected that claimants will only complete one sbwa, however there may be occasions when a claimant can re-engage or participate in a further sbwa.

11. The decision for a claimant to participate in a sbwa is voluntary (Jobseeker's Directions should not be used) but:

- once a JSA claimant has been formally referred to the sbwa, participation in PET and GJI becomes mandatory (see note on exception to mandation to GJI)
- All sbwa must contain a WEP and claimants should be encouraged to attend. Claimants will not be sanctioned for non-participation in WEP, however, JSA claimants will be told that they can be sanctioned if they fail to maintain basic standards of good behaviour at any time during their participation in sbwa, including the work experience element. It has been agreed with Ministers that, in respect of the WEP, it is only if the claimant loses the placement due to his/her gross misconduct that a sanction may be imposed. See guidance in DMG Memo 28/12.
- If a job or an apprenticeship is offered following the GJI, the usual refusal of employment rules for JSA apply. There are some exceptions to refusal of employment rules, including refusal of a place on a government funded (NAS) Apprenticeship or a zero hour contract job.
- once an ESA(WRAG) claimant has been referred to sbwa, participation in PET, the WEP and the GJI are all voluntary.
- ESA (WRAG) claimants who are in receipt of National Insurance Credits only, lone parents responsible for a child under 5 and not yet at school or full-time carers, can also attend all 3 elements of sbwa on a voluntary basis.
- Lone Parents aged 18 – 24 who are entitled to income support solely on this basis whose youngest child is aged 4 – all 3 elements of sbwa must remain on a voluntary basis for these claimants

12. sbwa participants can undertake training of up to 30 hours a week. JSA claimants participating in training of 16-30 hours a week are not required to be actively seeking or available for work (with the exception of 18 year olds). However, policy intent is that claimants should have regular contact with their adviser to show they are taking steps towards gaining employment. The rules for attending an Employment Related Course do not apply to sbwa which allows claimants to do more than 2 weeks full-time training in any 52 weeks whilst participating in sbwa.

## **Youth Contract**

13. The Youth Contract, launched on 2nd April 2012, includes a range of additional help for young people, including extra places on sector-based work academies and access to a wage incentive payment for the employer for young people who have been unemployed for 6 months or more.

14. With the end of Get Britain Working funding in April 2013, the only funding DWP receives for sbwa is for Youth Contract places. Claimants aged 25 and over remain eligible to participate in sbwa. These places are funded from

Jobcentres' day-to-day finances and so District Managers will be responsible for managing the availability of places at a local level.

15. Sector-based work academies and vacancies should not normally be restricted to particular age groups as this could lead to discrimination on age grounds. If the employer does wish to restrict a vacancy/sbwa to a particular age group then the District will need to consider whether there is justification for the employer to do so. This should be considered in line with current DWP Discrimination Guidance which would include looking at the make up of the local labour market in terms of age. As a result of random individual referrals being made to sbwa it is possible that a cohort could potentially consist solely of 18-24 year olds or over 24 year olds.

## **Movement to Work**

16. Movement to Work is the name given to an employer led initiative (NOT a Jobcentre Plus initiative) offering new vocational training schemes which are being pledged by several large employers. The aspiration is to offer 100,000 work training opportunities in 2014-16, and to encourage employers across the country to do more to help unemployed young people.

17. If a Movement to Work employer wants to work with Jobcentre Plus to deliver pre-employment training, work experience and a guaranteed job interview for a vacancy, then Districts can work with the employer to set this up as a sbwa following current sbwa guidance. The only difference is that for Movement to Work only, sbwa can be set up and restricted to the 18-24 age group where appropriate.

## **Eligibility**

18. Sbwa are available to claimants in England aged 18+ who are claiming JSA, or in the ESA (WRAG) group, or Lone Parents aged 18 – 24 who are entitled to income support solely on this basis whose youngest child is aged 4 who are close to the labour market and will not have significant needs relating to numeracy, literacy or general employability skills, but who would benefit from participating in sbwa to help them find and keep work. However some colleges/providers will only be able to access funding for claimants aged 19+. Note: 18 year old JSA claimants are treated differently for availability and actively seeking work whilst undertaking training. Lone parents not on JSA or ESA(WRAG) are generally not eligible for SFA fully-funded training. Discussions will need to take place locally with the provider before offering places to this group of lone parents. UC claimants are eligible for sbwa opportunities and count towards our performance measure for the programme (please see Knowledge Management for more information).

19. If the partner of a JSA claimant is in a joint claim then they can take part in sbwa as they would be classed as a JSA claimant. There are exemptions for joint claims.

20. Partners of ESA(IR) claimants are not treated as ESA claimants and cannot take part in sbwa.

21. If a couple are both claiming ESA(C) then both are eligible to participate in sbwa.
22. JSA claimants/ESA (WRAG) claimants can undertake PET of up to 30 hours a week. For JSA claimants see information on JR.
23. Claimant groups other than JSA, ESA (WRAG) and Lone Parents aged 18 – 24 who are entitled to income support solely on this basis whose youngest child is aged 4 are not eligible for sbwa. However where the provider agrees to other claimant groups joining the training and/or the employer agrees to take other claimant groups for WEP and GJI, they can participate BUT these must not be counted as sbwa participants and they must not be submitted to sbwa LMS opportunities.
24. sbwa are not normally open to claimants on the Work Programme or Work Choice but in exceptional circumstances, where Jobcentre Plus is unable to fill a sbwa with non-Work Programme/Work Choice claimants, a District can approach all the Work Programme/Work Choice providers in their Contract Package Area to seek nominations. These claimants must not be submitted to LMS opportunities or be counted as sbwa starts. If WP/WC providers take up the offer of the places, then WP/WC providers will refer claimants directly to the various elements and JCP notification letters should not be issued to WP/WC claimants.
25. Post-Work Programme JSA and ESA(WRAG) claimants are eligible to participate in sbwa. Please bear in mind sbwa participants should be close to the labour market.

### **Funding pre-employment training**

26. PET will normally be delivered by colleges and training providers funded by the Skills Funding Agency. It is also acceptable for employers to fund the training element of a sbwa and for JCP to utilise other sources of funding to procure training where Skills Funding Agency funded training is not available.
27. Lone parents not on JSA or ESA(WRAG) are generally not eligible for SFA fully-funded training. Discussions will need to take place locally with providers to ensure they are willing to take LP onto the course before these claimants are offered places.
28. Skills Funding Agency funded training will count towards units of accreditation on the Qualifications and Credit Framework (QCF).
29. There is no requirement for employer-funded training to count towards QCF accreditation.
30. Where the PET element of a sbwa is not funded through the Skills Funding Agency, participants do not have to undertake units on the QCF. However, Jobcentre Plus should seek to influence the type of training being offered to ensure that the skills people develop are transferable and preferably meet industry standards.

### **Travel, childcare, reasonable adjustments and replacement care costs**

31. JCP will pay participants travel, childcare, and replacement care costs (except where payment is available from Access to Work for some claimants with

a health condition or a disability). Reasonable adjustments must also be considered (except where payment is available from Access to Work for some claimants with a health condition or a disability). sbwa payment codes can be found on ACME. Forms for payment of costs for expenses for sbwa claimants are shown in the expenses procedures part of this guidance.

### **DBS checks (formerly CRB checks)**

32. Enhanced DBS checks are only required for regulated roles in regulated sectors where the individual is working with children or vulnerable adults.

33. DBS checks are portable. Advisers should establish if the claimant already holds a DBS certificate and if the employer is willing to use this rather than apply for a new check.

34. Employers are expected to fund DBS checks. Some participants, by exception, may have the cost of an enhanced DBS check reimbursed to the employer as specified in the DBS Framework.

35. The cost of standard DBS checks should never be reimbursed.

36. The cost of a DBS check must not be funded for any claimant where they will be working for an employment agency and 'hired' out to a third party; similarly, Jobcentre Plus cannot help with costs if an agency is recruiting on behalf of an employer.

37. DBS checks are not always necessary for PET and WEP in the care sector. It will depend on the role. Details will be established when the sbwa is set up. The Care Quality Commission (which is the regulator and inspector of the care sector) has produced guidance for care providers which recommends that DBS checks in England and Wales may not always be required for sector based work academy PET/WEP as long as the provider ensures a number of requirements are in place. For example, where the claimant is in a care environment for a maximum of 2 weeks and is supervised at all times by a permanent member of staff who has a satisfactory DBS check.

38. One District has developed a claimant declaration in consultation with local employers to use where no DBS check is done for work experience of 2 weeks or less. This does not reduce the risk to the employer that someone may have previous convictions but it may make the employer more comfortable about taking that risk. You should make it clear to the employer that this is not a DBS check and does not guarantee that the claimant has no previous convictions. It is reliant on the honesty of the claimant.

39. If a DBS check is not required for sbwa, advisers must make it clear that to take up a job in the sector, claimants will still be required to undertake a DBS check.

### **Data sharing**

40. Data sharing regulations allow for the proportionate sharing of claimant information between Skills Funding Agency funded colleges and providers that are supporting JCP claimants with their employment, skills and training needs. In practice this means that such information can be shared as often as is necessary to support activities such as the management of adviser caseloads or any

reasonable adjustment requirements and in providing updates to monitor and build on the progress a claimant is making with the skills activity they are undertaking to support a move into work.

41. This legislation does not extend to include employers or non-Skills Funding Agency funded provider. Informed consent must be obtained to allow entry to sbwa. Advisers should ask the claimant to complete an authority (informed consent) to allow JCP to disclose such information to the employer or non-Skills Funding Agency funded providers.

42. The authority applies to the exchange of information between the employer, provider and Jobcentre Plus.

### **Attendance, Timekeeping and Absences**

43. For claimants to benefit fully from sbwa, it is important that they attend regularly and on time. Claimants should be advised of the expectations of the provider/employer.

44. These include:

45. claimants should take reasonable steps to minimise absences (e.g. arrange routine GP appointments for evening surgeries where possible);

46. unplanned absences (e.g. for sickness, domestic emergencies etc) should always be notified to providers/employers as soon as possible on the first day of absence and failure to do so could result in sanctions. Normal JSA rules apply for sickness and domestic emergencies.

47. If claimants have planned holiday within the time of the sbwa, advisers should not refer them to sbwa

48. Where there has been an extensive absence from sbwa, advisers should check with the provider/employer to establish whether it is possible for the claimant to continue on that particular sbwa. Attendance at certain elements of sbwa are mandatory and advisers should consider whether DMA action is appropriate if claimants have been absent.

### **Behaviour and gross misconduct**

49. It should be made clear to claimants that they are required to maintain basic standards of good behaviour during sbwa. They will also be advised of this in the notification letter given to them when they agree to start sbwa. Sanctions may apply if they are dismissed for gross misconduct during a mandatory element of the sbwa. However, although WEP is voluntary for all claimants, sanctions should be imposed where JSA claimants are dismissed due to gross misconduct. The distinction between misconduct and gross misconduct should not be explained to claimants. All the claimant needs to know is that they are required to maintain the same standards of behaviour expected of anyone working for that employer. For full guidance on sanctions in work experience and gross misconduct the DM should follow the guidance in DMGmemo 04/13 for sanctions and DMG Memo 28/12. for gross misconduct.

## **The Personal Adviser Role**

50. Participants should be encouraged to resolve any issues they have with the employer directly, but there must be a process in place for escalating and dealing with concerns about employers and the quality of opportunities. Districts will need to decide whether this is through their Adviser or their sbwa Co-ordinator / team.

51. The nature of the work experience placement means that it could be open to abuse by an employer, e.g. they may not be providing the participant with the agreed type or quality of work experience, or be using the opportunities inappropriately, just to cover a busy period. Jobcentre Plus has a responsibility to ensure such abuse does not take place and to protect the interests of those participating in opportunities.

52. Any complaints from the participant or suspicion that employers are not operating in the spirit of the opportunity must be investigated and, where appropriate discussed with the employer. If doubts remain about the employer follow the complaints about employers process and where necessary withdraw the DWP Employer Agreement.

## **Identification of Suitable, Eligible Claimants**

53. It is imperative that only suitable and eligible claimants are referred to a sbwa. Suitable claimants will:

- not have significant needs relating to numeracy, literacy or general employability skills.
- be close to the labour market but would benefit from a short training intervention and a work experience placement to support them in finding work in a demand sector.
- be interested in a role in the sector.
- have the aptitude/suitability for the role/sector.
- be available for all three elements of sbwa – PET, WEP and GJI.

54. Adviser discretion should be used to make decisions about the timing of sbwa referrals. Early access to skills training should be appropriately targeted, to avoid referring those who are likely to obtain a job without that intervention. Normal rules on deferral to the Work Programme should be followed – it is likely that claimants referred to sbwa will be expected to gain employment within the 3 months deferral period.

55. advisers should not refer Work Programme/Work Choice claimants to sbwa. There may be exceptional circumstances where sbwa may be open to Work Programme/Work Choice providers but this would be after invitation from the District Manager and any identification and referral of WP/WC claimants would be made by the Work Programme/Work Choice provider.

56. Where a claimant is already on ESF provision, advisers can refer eligible claimants close to the labour market to sbwa where they consider sbwa will give them a greater chance of securing employment. Advisers should take into account whether the ESF provider is already offering the same type of support and avoid duplication.

57. To assist in selection of the most suitable claimants, advisers should use

- information on the District Provision Tool (DPT) and LMS opportunity which will give details of what behaviours/skills the employer is expecting of participants.
- previous employment history (consider transferable skills)
- Knowledge Hub
- Customer Assessment Tool
- Checklists in Sector Employability Toolkits
- Caseload conferencing

## **Initial discussions with the claimant**

58. Explaining about Back to Work Schemes - in addition to explaining about the provision being referred to, remind claimants:

- About the conversation they had at their NJI or Adviser interview regarding Back to Work Schemes which help improve their prospects of employment
- About the Back to Work Scheme Guide they were signposted to during their interview, which has general information about the schemes and which they were advised to read
- That they may wish to revisit the general information on the Gov.UK website (Back to Work Scheme Guide)
- Ask if the claimant has any questions or concerns about the scheme before they are referred.

59. For claimants who wish to revisit the information but cannot easily access the internet or cannot access an Internet Access Device within the Jobcentre, e.g. because of a health problems or disability:

60. print and issue a copy of the Back to Work Scheme Guide.

61. Give the claimant full details of the sbwa. This should include as much information as possible about the course, the employer, the role etc. The customer must be given full information about the sbwa to ensure they can make an informed decision about taking part, especially as there are mandatory elements for JSA claimants once they have agreed to participate. Employer and Partnership teams should provide this information as part of the details on LMS/DPT or may also hold an sbwa open day.

62. Where the sbwa is in the care sector and the information provided shows that a DBS check (previously known as CRB) is not required to participate in sbwa, advisers must make it clear that to take up a job in the sector, claimants will still be required to undertake a DBS check.

63. Explain the benefits of taking part in the sbwa, for example:

- Improve their job prospects
- Give them the skills and behaviours employers want from people entering a job in a specific sector
- Allow them to undertake units towards a qualification
- Gain work experience
- Build their confidence
- Add to their CV

- Give an employer chance to see how well they can work
- Travel, childcare, and replacement care costs will be met.
- A Guaranteed Job Interview for an existing vacancy or apprenticeship will be offered
- Claimant's benefit will not be affected whilst participating in sbwa

64. It is imperative that it is explained to the claimant that once they decide to participate and they receive written notice detailing what is required by way of participation in the sbwa, which for JSA claimants will be mandatory and sanctions will apply if they do not complete: (for guidance on sanctions please see DMG Chapter 34, 34771 et seq)

- for JSA claimants – PET, GJI (unless it is an exception to mandation) and accepting the offer of a job or apprenticeship (unless it is a government funded (National Apprenticeship Service) apprenticeship or an exempt vacancy).
- for JSA claimants – WEP only if they have been dismissed for gross misconduct. See guidance on gross misconduct in DMG Memo 28/12.
- for ESA (WRAG) claimants, or ESA (WRAG) claimants who are in receipt of National Insurance Credits only, lone parents responsible for a child under 5 and not yet at school or full-time carers, participation on all 3 elements of sbwa must remain on a voluntary basis.
- Lone Parents aged 18 – 24 who are entitled to income support solely on this basis whose youngest child is aged 4 – all 3 elements of sbwa must remain on a voluntary basis for these claimants.

65. Jobseeker's Direction must not be used when referring claimants to an open day/information session or to participate in sbwa as participation in a sbwa is voluntary until the claimant agrees to participate.

66. It is also imperative that the claimant is made aware of how sanctions will affect them.

67. Where employers are providing blended training and work experience, it should be made very clear in advance to the claimant how the two elements are to be delivered, so that claimants can be adequately notified of which part of their attendance may attract a sanction, and what that sanction would be, if they do not participate.

68. It should be made clear to claimants that they are required to maintain basic standards of good behaviour during sbwa.

69. If the claimant is interested in taking part, where appropriate, arrange a discussion between the claimant and the provider and/or employer to

- allow the provider to assess suitability; and
- to give the claimant the opportunity to decide whether to participate.

**Note:**

meeting the provider at this stage does not count as a referral to sbwa. Once the claimant has agreed to participate in sbwa, the referral is counted from this point and relevant elements of the sbwa become mandatory for JSA Claimants.

70. If the provider/employer does not feel the claimant is suitable, obtain feedback, discuss this with claimant and consider alternative provision/support.

71. There is no expectation that all potential sbwa participants will speak to an employer, although where an employer has agreed to discuss the content of the sbwa with claimants, it should be accommodated wherever possible.

72. Where an employer wants to speak to a claimant, it will be outlined in the sbwa LMS opportunity and in the DPT information.

73. sbwa should not be confused with work experience opportunities or Work Trials. Differences between sbwa, work experience and Work Trials.

### **Referral to sbwa – actions to take if claimant is suitable and agrees to participate in sbwa**

- offer them a place on the sbwa
- Select LMS interview type – Flexible Intervention

74. Issue sbwa notification letter to claimant which gives full details of what is expected of them whilst participating in sbwa. Where these are not all confirmed with the employer/provider by the time of the initial referral, the notification should show details of the elements which are known and the rest to be confirmed.

Once the details are known the claimant must be informed in writing by the issue of a duplicate notification letter with full information of the sbwa. There are 4 notification letters:

- sbwa01a(JSA) – for JSA claimants where PET within sbwa is for under 16 hours a week or for any 18 year old undertaking training of up to 30 hours
- sbwa01(JSA) – for JSA claimants where PET is within sbwa is between 16 and 30 hours a week
- sbwa02a(ESA)Action Plan – for ESA(WRAG) claimants.
- sbwa 06 (LP aged 18-24 with youngest child within 12 months of 5th birthday)

#### **Note:**

The sbwa 02a is an Action Plan for ESA claimants, it is a local decision how and where these should be retained for DMA purposes.

75. Where employers are providing blended training and work experience, it should be made very clear in advance to the claimant how the two elements are to be delivered, so that claimants can be adequately notified of which part of their attendance may attract a sanction, and what that sanction would be, if they do not participate.

76. JSA claimants on PET of between 16 and 30 hours are not required to be available or actively seeking work (unless aged 18). However, policy intent is for claimants to stay close to the labour market. To facilitate this claimants on training of 16-30 hours are required to attend regular interviews with an adviser whilst on the PET during which advisers should encourage them to continue to look for employment. They will also need to sign the ES24JPsbwa to ensure their benefit is paid. Where the hours and location of the PET make it difficult for the claimant to attend the office, the discussion can take place by telephone. Normal sanction rules for not attending an adviser interview apply. 18 year olds are required to be available and actively seeking work, whether undertaking part-time or full-time training and should attend FJR as normal.

77. For JSA claimants, retain a copy of the notification letter in the claimant's file.

78. For ESA claimants, record the issue of the letter on the claimant's action plan and save a printed or electronic copy of the notification letter.

79. Any subsequent changes or additions to the sbwa must be notified to the claimant by issuing a further clerical notification letter when they occur. A copy must be kept on the claimant's file.

80. Consider setting an LMS workflow to remind claimant where they need to go in advance of each element of sbwa.

81. For JSA claimants, reiterate how sanctions would affect them if they do not participate as required in the mandatory elements of sbwa

82. record referral to sbwa on LMS submitting claimant to an LMS opportunity for each part of the sbwa. Note: claimants should only be referred to sbwa opportunities once they have agreed to attend and are issued with the notification letter. Sbwa opportunities should not be used for referral to sbwa open days or other information events. LMS opportunities will be:

- Ref'd to sbwa Pre-empl Training
- Ref'd to sbwa Work Experience Placem't
- Ref'd to sbwa G'teed Job Interview

83. Note: some sbwa opportunities may be highlighted as being part of a national employer initiative called "Movement to Work". This does not make any difference to how you deal with referrals or processes – sbwa is just one of the recruitment tools employers taking part in "Movement to Work" may want to be involved in.

84. Claimants should be submitted to all the elements of the sbwa at the outset provided the full details of these are known. This will normally be 3 LMS opportunities as detailed above although there may be occasions where the sbwa has no GJI so the claimant will only be submitted to the PET and WEP opportunity.

85. Claimants not in receipt of JSA or ESA(WRAG) must not be referred through the LMS sbwa opportunities.

86. When referring to the sbwa PET, depending on local arrangements with the provider, either

- complete form SL2; or
- complete local referral list

and send to the provider, ensuring data protection rules are observed. The single point of contact (SPOC) or sbwa co-ordinator may complete this stage – check your local arrangements.

87. There are no forms for the employer to complete when claimant starts WEP or attends GJI (e.g. no SL2)

88. Ask the claimant to complete authority to allow JCP to disclose information to the employer and other organisation involved in the sbwa.

89. Once the date of the GJI is known, the employment officer must submit the participant to the vacancy in the usual way depending on whether the claimant has given us access to their Universal Jobmatch account:

- the claimant has given us access to their UJ account
- the claimant has not given access to UJ account,
- claimant is not required to use UJ

90. Where the job is not advertised on UJ, you should submit the claimant to the vacancy following current spec sub guidance.
91. If the claimant is not referred to the vacancy in this way, refusal of employment action cannot be taken if the claimant subsequently refuses to accept the job or apprenticeship (unless it is an apprenticeship/job which is exempt from RE action.).
92. Discuss travel, childcare, reasonable adjustment and replacement care costs needs.
93. For JSA claimants only, consider a flexible approach to attendance at JR to ensure no disruption to participation in sbwa but see note about JSA claimants during a PET of 16-30 hours.
94. Arrange payment of travel, childcare, replacement care costs and consider any reasonable adjustments for the first element of sbwa if appropriate. Payment of these should be considered before the start of each element of sbwa. Sbwa payment codes for travel, childcare and replacement care can be found on ACME. All sbwa participants should be classed as “mainstream” when selecting options on ACME. Forms for payment of costs for expenses for sbwa claimants are shown in the expenses procedures part of this guidance.
95. Once the claimant has started each opportunity, the start must be recorded on LMS. If the claimant has agreed to participate, been referred to the opportunity and issued a notification letter then they must attend certain elements of sbwa or they may be subject to sanctions. The sbwa co-ordinator or single point of contact (SPOC) may complete this stage – check your local arrangements.
96. Consider using text message to remind the claimant to attend each element of the sbwa. Text template number 3 on the Rapide system can be used for this which says:
- “Remember to attend your /Initiative/Provision Type/ at /Time/ on /Date/ at /Venue/. If you have any problems call 0845 6043719 and select Option 7 or Textphone 0845 60887551”.

### **Jobsearch Review (JSA claimants)**

97. During sbwa JSA claimants are required to attend JR, although a flexible approach to attendance at JR may be decided locally during the WEP.
98. JSA claimants are required to be actively seeking work and available for work during the period of PET (where training does not exceed 16 hours) and WEP. 18 year old claimants are required to be actively seeking work and available for work for both part-time and full-time training.
99. JSA claimants on PET of between 16 and 30 hours are not required to be available or actively seeking work (unless aged 18). However, policy intent is for claimants to stay close to the labour market. To facilitate this claimants on training of 16-30 hours are required to attend regular interviews with an adviser (not an FJR) whilst on the PET during which advisers should encourage them to continue to look for employment. They will also need to sign the ES24JPsbwa to ensure to confirm that they have not undertaken any paid work and that they have reported any changes in circumstances which may affect their award of

JSA. Normal sanction rules for not attending an adviser interview apply. 18 year olds are required to be available and actively seeking work, whether undertaking part-time or full-time training and should attend FJR as normal.

100. For those JSA claimants on PET of 16-30 - if the hours and location of the claimant's PET make it impossible to attend the office for interview, then the adviser can conduct the interview by telephone and payment can be authorised without signing the ES24JPsbwa. Claimants should complete form ES88X for the period between the last signing day up to the day before the course starts and advisers should follow procedures in the JSA Get Britain Working Guidance. Form ES24JPsbwa should be signed when the claimant next visits the office.

101. For claimants participating in training of 16-30 hours, the normal rules for attending an Employment Related Course do not apply allowing participants to do more than 2 weeks training in 52 weeks whilst on the sbwa.

102. 18 year old JSA claimants undertaking sbwa PET must continue to be available and actively seeking employment in accordance with their Jobseeker's Agreement. This applies whether the provision is part-time or full-time. A flexible approach can be taken when considering steps for actively seeking employment. Individual circumstances should be looked at, and it may be that requiring anything above and beyond the pre-employment training would not be appropriate. Notification letter sbwa 01a (JSA) should be used for these claimants for any length of training up to 30 hours.

### **Procedures for payment of expenses for sbwa claimants**

103. JCP will pay participants travel, childcare and replacement care costs. Reasonable adjustment can also be considered. Payment of these expenses are paid from the Flexible Support Fund (except where payment is available from Access to Work for some claimants with a health condition or a disability) and you should follow procedures in the Flexible Support Fund guidance for payment. Sbwa account code (40395) can be found on ACME. Sbwa JSA participants should be classed as "mainstream", ESA(WRAG) and Lone Parent options should be selected for those claimant groups when selecting options on ACME. Payments should be recorded on LMS via the ADF Hotspot using the following ADF category from the dropdown menu:

- Travel: 'Travel:Training'
- Childcare: 'Childcare:Training'
- Replacement Care 'Replacement care:Training'
- CRB/PVG 'Barriers to Work:CRB/PVG check'
- Reasonable adjustment 'others'

104. Any costs for working clothes, equipment etc can be considered and would be funded from the FSF.

### **Travel costs**

105. If the participant has travel expenses follow FSF guidance on payment of travel expenses (except where payment is available from Access to Work for some claimants with a health condition or a disability). For payment follow procedural FSF guidance and complete form FSF1 .

## **Childcare costs**

106. If the participant claims childcare costs, you should follow FSF guidance on the payment of childcare costs and for payment follow FSF payment procedures and use forms FSF 3-5. Normal RM procedures apply.

## **Replacement care costs.**

107. If the participant claims replacement care costs, you should follow FSF guidance on the payment of replacement care costs and for payment follow FSF payment procedures and use forms FSF 3-5. Normal RM procedures apply.

## **Reasonable Adjustment**

108. Providers and employers would normally be expected by law, to arrange and fund any reasonable adjustments. However where these costs cannot be met from any other source, including Access to Work, JCP can consider meeting these costs. If exceptionally this is the case, ensure the sbwa ACME code is selected.

## **Overpayment of expenses - recovery action**

109. If the claimant is overpaid expenses, follow the procedures for overpayment of expenses in the Flexible Support Fund guidance.

## **Access to Work help for sbwa participants**

110. If claimants have a health condition or a disability, Access to Work can provide practical and financial support to help overcome barriers to starting work or keeping a job. Claimants who are eligible for Access to Work support who participate in sbwa can also apply for Access to Work support for the Work Experience Placement element of the sbwa. It is not available for the PET even where this is delivered by the employer. **Access to Work support should be considered before using FSF to pay for travel expenses and reasonable adjustments.** A process map for sbwa Access to Work support is available on the Access to Work guidance site. Advisers should identify if a claimant may qualify for Access to Work support and follow guidance on the process map. A claimant fact sheet gives details of eligibility and how to apply for Access to Work support.

## **Claimant is deemed not suitable by the employer or provider during sbwa**

111. Once the claimant agrees to participate in sbwa and receives the written notification, attendance for (JSA claimants only) becomes mandatory for certain elements. However where the provider/employer decides partway through sbwa that it:

- is not suitable for the claimant;
- is not the most suitable course of action; or
- that they need something different first (e.g. support with other skills)

the attendance and participation requirement may be removed.

112. Update LMS to show the changes

113. Issue sbwa sbwa 05 (JSA), sbwa 05 (ESA vol) to the claimant informing them that the requirement to participate has ended.

### **Claimant does not start/complete PET – JSA and ESA (WRAG)**

114. Once the claimant agrees to participate in sbwa and receives a written notification, PET becomes mandatory (JSA claimants only). However please see exceptions. If the claimant does not start or fails to complete PET (and this is not because the provider states the claimant is no longer suitable):

- obtain written notification from the provider using sbwaPETDMA4
- issue sbwa03FTP(JSA) to claimant to give them the opportunity to show good reason for FTP. Give the claimant 5 working days to return this.
- discuss feedback received from provider/employer with claimant
- for JSA claimants, if you do not consider the claimant can be Treated as Straightforward, using form sbwaDMA5 refer to the decision maker following the procedure detailed in the JSA DMA Referral Guide. sbwa AR codes are set out in the sanction information.
- If you consider there is good reason for non-participation, issue the claimant sbwa 05 (JSA) sbwa 05 (ESA vol) to release them from the requirement to attend the sbwa.
- Note: even when referred to the decision maker, the claimant is still required to attend sbwa. If they refuse then a further referral must be made to the decision maker.
- update LMS records
- the claimant should be encouraged to re-engage with the programme. (There is no longer a provision to revise the period of a sanction for a failure to participate without good reason on sbwa where the claimant re-engages with the scheme.)
- consider other provision/support for claimant

### **JSA Claimant does not complete WEP**

115. WEP is not mandatory for JSA claimants however sanctions will need to be considered if they have been dismissed for gross misconduct.

116. If the claimant does not start/fails to complete WEP for reasons other than dismissal for gross misconduct:

- discuss feedback received from employer with the claimant
- update LMS records
- consider other provision/support for the claimant
- adviser discretion should be used to consider re-engagement to the programme

117. If the claimant is dismissed due to gross misconduct:

- obtain written notification from the employer using sbwaWEP/GJIDMA4
- on reply from employer, refer to the decision maker to consider a sanction on sbwaDMA5. sbwa AR codes are set out in the sanction information. .
- update LMS records

- the claimant should be encouraged to re-engage with the programme.  
(There is no longer a provision to revise the period of a sanction for a failure to participate without good reason on sbwa where the claimant re-engages with the scheme.)

- consider other provision/support for claimant

118. GJI is mandatory for JSA claimants (unless for a self-employed vacancy). However if the claimant has not completed the WEP or PET, the employer may withdraw the offer of a GJI. If that is the case a GJI with another employer should be found wherever possible. If this is not possible then the claimant should be released from the requirement to participate. Issue sbwa 05 (JSA), to the claimant informing them that the requirement to participate has ended.

119. If the employer is still willing to offer the GJI then this remains mandatory for the JSA claimant (unless for a self-employed vacancy).

### **JSA claimant does not attend the Guaranteed Job Interview (GJI)**

120. Once a JSA claimant agrees to participation in sbwa, attendance at GJI becomes mandatory. The only exceptions to this are:

- if the employer withdraws the GJI or
- if it is for a self-employed vacancy, for example, a taxi firm which recruits drivers to its business but those drivers operate as self-employed once appointed.

121. If the claimant fails to attend GJI (and this is not because the employer states the claimant is no longer suitable):

- Obtain written notification from the employer issuing form sbwaWEP/GJIDMA4 to employer or if the employer does not wish to complete this, verbal notification from the employer will suffice (although written evidence will be stronger for DMA purposes)
- issue sbwa03FTP(JSA) to claimant to give them the opportunity to show good reason for FTP. Give the claimant 5 working days to show good reason.
- On reply from the claimant, consider their reasons for non-attendance. The claimant can be Treated as Straightforward without referral to a decision maker provided they can show good reason for non-participation.
- If you consider there is good reason for non-participation, issue the claimant with sbwa 05 (JSA) to release them from the requirement to attend the sbwa.
- discuss feedback received from employer with claimant
- if you do not consider the claimant can be Treated as Straightforward, refer to the decision maker on sbwaDMA5. sbwa AR codes are set out in the sanction information.
- Note: even when referred to the decision maker, the claimant is still required to attend sbwa. If they refuse then a further referral must be made to the decision maker.
- update LMS records
- adviser discretion should be used to consider re-engagement to the programme where appropriate.

- consider other provision/support for claimant

### **JSA claimant refuses the offer of a job**

122. If the employer offers the claimant a job and the claimant refuses to take it:

- Accept verbal evidence from the employer that the claimant has refused the job.
- follow guidance in the Labour Market Guidance for refusal of employment.
- sbwa AR codes are set out in the sanction information.
- update LMS records

123. consider other provision/support for claimant

### **JSA claimant refuses the offer of a place on an apprenticeship**

124. The claimant will not be subject to DMA action if the apprenticeship is a government funded (National Apprenticeship Service) vacancy .

- consider other provision/support for the claimant
- If the apprenticeship is not a government funded (National Apprenticeships Service) apprenticeship, refusal of employment action should be considered as usual, taking into account RE guidance.

### **ESA (WRAG) Claimant does not start/complete WEP or GJI**

125. WEP and GJI are not mandatory for ESA (WRAG) claimants. If the claimant does not start/fails to complete WEP or fails to attend GJI:

- discuss feedback received from employer with the claimant
- update LMS records
- consider other provision/support for the claimant
- adviser discretion should be used to consider re-engagement to the programme

### **Re-engagement in sbwa**

126. It is expected that claimants will only complete one sbwa. However, there may be circumstances in which the claimant will re-engage in the sbwa or be referred to a new one. For example:

- if a claimant fails to participate in sbwa, with good reason, they should be released from the requirement to attend sbwa and advisers should consider re-engagement in the scheme. A further referral to sbwa will be voluntary for the claimant. Once they have agreed to attend, then normal sanction rules apply.
- If the claimant fails to participate in sbwa, without good reason, they are still required to participate and will be expected to re-engage with the sbwa. If they are unwilling to participate then DMA action should be considered.
- Where a claimant has already completed a sbwa in one sector but the adviser thinks they will benefit from attending a sbwa in a different sector, then they can participate again.

127. Where re-engagement to the original sbwa is appropriate, the claimant should return to that. Where, due to time or other factors, it is not possible to return to the original sbwa, the claimant should re-engage with another sbwa at the point they left the original one. If this is not possible, then the claimant should start a new sbwa or be released from their obligation.

### **Claimant offered a job following GJI or at any time during sbwa**

- update LMS records
- consider help with work equipment and clothes
- consider in work credits
- consider other in work support for claimant
- consider and offer advice on Access to Work

### **Claimant not offered a job following GJI**

- update LMS records
- discuss feedback from employer with claimant
- consider alternative job matches within the sector
- look at transferable skills and consider job matches for other sectors with advertised vacancies.

### **Post sbwa support**

128. On completion of sbwa, if the participant has not secured employment there should be a period of adviser support in order to maximise their chances of coming off benefit before entering the Work Programme. In line with the claimant journey on the wider JCP Offer, entry into the Work Programme can be deferred for up to 3 months. However, if there is no likelihood of the claimant moving into a job in the near future, entry into the Work Programme should not be delayed.

129. Advisers should support the customer to take up employment with other employers in the sector. Alternatively the adviser should consider transferable skills acquired on sbwa which can be used for employment in other sectors e.g. customer service skills.

### **Sanction Regime**

130. The decision for a claimant to participate in a sbwa is voluntary but:

- once a JSA claimant has agreed to participate and has been referred to the sbwa, participation in PET and GJI becomes mandatory and subject to sanctions for non-participation without good reason. JSA claimants should not be subject to sanctions if they do not complete WEP, unless they have lost the place due to their gross misconduct. See guidance on gross misconduct in DMG Chapter 34 paragraphs 34846 onwards. JSA claimants will also be subject to sanctions if they are offered a job or a place on apprenticeship and they refuse to take up that offer (unless it is a job or apprenticeship which are exempt from RE action).
- once an ESA (WRAG) claimant has been referred to sbwa, participation in the PET, the WEP and GJI is entirely voluntary.

131. Claimants must be informed that participation in sbwa is voluntary but that once they agree to it, certain elements of it will be mandatory and that failure to comply, without good reason, with what is required will be subject to sanctions. Please see guidance in DMG Chapter 34, paragraph 34846 onwards.

132. If the claimant fails to comply, the provider or employer must be asked for immediate written notification on form sbwaPETDMA4/sbwaWEP/GJIDMA4. If the employer/provider does not provide written evidence then a verbal response will suffice but this evidence will not be as strong for DMA purposes.

133. Written notification should be passed immediately to a claimant's adviser to interview the claimant who will consider their reasons for non-participation. Next steps depend on whether the participant is claiming JSA or ESA(WRAG).

### **Gross Misconduct**

134. Benefit will not be affected if any claimant does not participate in the WEP unless they are a JSA claimant who has been dismissed due to gross misconduct. For JSA claimants, sanctions may be considered only where the claimant has failed to participate in the WEP because he/she has been dismissed due to gross misconduct.

135. Gross misconduct for these purposes is conduct that is so serious that only one instance of such behaviour will warrant the employer's immediate termination of the work experience.

136. The following are examples of gross misconduct which would normally justify the imposition of a sanction but this list is not exhaustive:

- Dishonesty or theft from the employer or co-workers
- Fighting with or assault on another person in the workplace
- Abusive behaviour towards co-workers or customers
- Deliberately damaging the employer's property
- Serious act of insubordination towards a person in a position of authority in the workplace
- Deliberately endangering the safety of others
- Serious incapability through the use of alcohol or illegal drugs

137. Repeated instances of minor misconduct such as lack of punctuality or carelessness in performing tasks will not amount to gross misconduct. For full guidance on sanctions and gross misconduct see DMG Chapter 34, paragraphs 34846 onwards.

### **sbwa Action Types and AR Codes**

138. New Action Types are

- FTP sbwa Doubt
- FTP sbwa Referral
- sbwa FT Undertake WRA Dbt
- sbwa FT Undertake WRA Ref
- refusal/failure to accept employment

139. New AR Codes for DMAS:

- JSA/812 and JSA/249/812

- ESA/350 and ESA/JSA/249/350
- JSA/710

140. New AR Codes for LMS:

- JSA/812 – FTP sector-based work academies
- ESA/350 – sbwa Failed to Undertake WRA
- JSA/710 – refusal of employment/apprenticeship for JSA claimants

Note: Fail to Participate covers actions including leaving voluntarily, misconduct, failed to attend.

### **Good Reason (JSA claimants) and Good Cause (ESA(WRAG) claimants)**

141. Information on what is acceptable as good reason for JSA claimants can be found in the Good Reason Guide and for ESA(WRAG) claimants can be found in the ESA guidance.

### **Sanction Regime for JSA claimants**

142. Sanctions will be applied to claimants who fail to comply with the terms of the sbwa for the following:

- Failure to start PET
- Failure to attend PET
- Leaving PET voluntarily
- Dismissal from PET through misconduct
- Dismissal from WEP through misconduct
- Failure to attend GJI

The above terms are referred to as 'fail to participate' for DMA purposes.

- Refusal of employment (this includes the refusal of a non-government funded (NAS) apprenticeship).

143. Participants will have the right of appeal against a sanction and hardship rules will apply (see DMG memo 37/12 para 107)

### **Application of sanctions for JSA claimants following disallowance**

144. Lower level sanctions apply if the JSA claimant

- fails to participate in PET;
- is dismissed for gross misconduct during WEP; or

145. Higher level sanctions apply if the JSA claimant

- refuses the offer of a job or a non-National Apprenticeship Service apprenticeship.

146. Lower level sanctions - Jobseeker's Allowance and National Insurance credits will not be paid (or will be paid at a reduced rate, depending on the claimant's circumstances) for:

- four weeks, or
- 13 weeks if we have previously decided on one or more occasions, that Jobseeker's Allowance should be sanctioned because the claimant failed to comply with their sector-based work academy requirements, or they

committed any of the failures listed below, within 52 weeks (but not within 2 weeks) of the last failure.

147. The failures referred to are, if without good reason the claimant:

- fails to attend an adviser interview
- if applicable, fails to take part in a particular employment programme (such as the work programme)
- does not take the opportunity of a place on an employment programme or training scheme
- refuses or fails to apply for or accept a place on such a programme or scheme notified to them by their adviser
- fails to attend or gives up a place or through their own misconduct loses a place on such a programme or scheme
- fails to comply with a Jobseeker's Direction.

148. Higher level sanctions - Jobseeker's Allowance and National Insurance credits will not be paid (or will be paid at a reduced rate, depending on the claimant's circumstances) for

- 13 weeks; or
- 26 weeks if we have previously decided on one occasion, that Jobseeker's Allowance should be sanctioned because the claimant committed any of the failures listed below, within 52 weeks (but not within 2 weeks) of the current failure; or
- 156 weeks (3 years) if we have previously decided on two or more occasions, that Jobseeker's Allowance should be sanctioned because the claimant committed any of the failures listed below, within 52 weeks (but not within 2 weeks) of the current failure.

149. The failures referred to are, if, without good reason, the claimant:

- through misconduct, lose employment as an employed earner (excludes any job they had before making their current claim);
- voluntarily leave such employment (excludes any job they had before making their current claim)
- refuse or fail to apply for, or accept if offered, any employment notified to them by their adviser;
- neglect to avail themselves of a reasonable opportunity of employment with an employer for whom they have worked in the last year;
- fail to participate in the MWA scheme if required to do so.

## **Forms and letters**

For blind or visually impaired claimants, normal procedures apply for requesting alternate formats.

## **Notification letters**

- sbwa01a(JSA) – for JSA claimants where PET within sbwa is for under 16 hours a week or claimant aged 18 on part-time or full-time training
- sbwa01(JSA) – for JSA claimants where PET is within sbwa is between 16 and 30 hours a week

- sbwa02a(ESA)Action Plan – for ESA(WRAG) claimants.
- sbwa 06 (LP aged 18-24 with youngest child aged 4)

### **Expenses forms**

- FSF1 (to authorise travel expenses)
- FSF 3, FSF4, FSF5 (payment of childcare expenses and payment of replacement care costs)

### **Jobsearch Review form**

- ES24JPsbwa – for JSA customers taking part in PET of 16-30 hours

### **Non-participation and DMA forms**

- sbwa03FTP(JSA) – failed to participate (JSA claimants)
- sbwaPETDMA4 – notification claimant non-participation PET
- sbwaWEP/GJIDMA4 – notification claimant non-participation WEP or GJI
- sbwaDMA5 – referral to decision maker for non-participation in sbwa
- sbwa 05 (JSA) – letter to release JSA claimant from requirement to attend sbwa
- sbwa 05 (ESA vol) – letter to release ESA (voluntary) claimant from requirement to attend sbwa

### **sbwa useful links**

- sbwa intranet page
- sbwa – did you know?
- operational examples
- tools
- sbwa Q and A
- products for employer facing staff
- products for staff working with providers