

Work Trial Guide

Policy rationale

1. There are some claimant groups that we know are more likely to struggle when it comes to competing for jobs and securing employment.
2. We also know that some employers can have negative pre-conceived ideas about some groups, making it less likely they will employ someone from such a group.
3. Work Trial offers a helping hand to those within the groups we know may face greatest difficulty in the labour market, giving them a chance to compete for jobs on a more equal footing.

Introduction

4. The purpose of a Work Trial is to overcome any remaining suitability doubts an employer and/or disadvantaged group claimant may have following a formal interview for a vacant post. In simple terms, for both parties, Work Trial is an opportunity to 'try before you buy'.
5. A Work Trial relates to a specific vacancy that an employer is actively trying to fill and is offered to a claimant on a strictly non-competitive basis. This means that for the duration of the trial, the person taking part is the only person under consideration for the vacancy in question i.e. the job is theirs if **both** they and the employer are satisfied following the trial period.
6. These crucial points give Work Trial its unique identity and separate it from Work Experience or other work-based training which might be undertaken within other labour market programmes.
7. DWP Ministers have been assured that Jobcentre Plus staff will do all they can to ensure the integrity of Work Trial. Ministers have, in turn, given the same assurance to external organisations such as the Trades Union Congress (TUC).

Promoting Work Trial

8. Everyone in Jobcentre Plus who has contact with claimants and employers must be aware of the features and benefits of Work Trial and take appropriate steps to promote the initiative in the interests of our most disadvantaged claimants.

Promoting Work Trial to claimants

9. As claimant participation is entirely voluntary, eligible claimants should be encouraged to embrace Work Trial and use their willingness to undertake a 'free' trial period as a means of overcoming any doubts an employer might have about their suitability for a particular job.
10. A common reaction from claimants is that they are not prepared to 'work for nothing'. You should attempt to overcome this, and any other objections, by explaining the benefits of Work Trial, for example:
 - it provides the claimant with an opportunity to prove themselves to an employer over a period of time rather than just relying on a short interview
 - it gives the claimant time to decide if the type of work, hours, employer etc. is right for them

- participation is entirely voluntary and the claimant's benefit is safe even if they leave the trial early or turn down the job if offered
- the claimant has an equal say in how long the trial period should be,
- the claimant will not be out of pocket, in addition to receiving their usual rate of benefit they will also be able to claim expenses. (**Note:** This commitment must not be made to those taking part in Work Programme or Work Choice provision)
- Jobcentre Plus will monitor the trial to protect the claimant's interests and address any problems that might arise.

11. Claimants who are eligible and willing to undertake a Work Trial should be issued with leaflet DWP103 or DWP103W 'Work Trials - Try it for yourself'. This can also be emailed to them to attach to their online job applications.

Note: A Work Trial will not necessarily be appropriate on every occasion so please ensure claimant's expectations are managed.

Promoting Work Trial to employers

12. For employers, the key selling points are:

- no cost to the employer as we still pay the claimant's benefit
- allows the employer a chance to test out an employee's aptitude for the job
- gives the employer an opportunity to check whether the participant fits in with their existing workforce
- saves the employer time as they don't have to fill in tax and insurance paperwork until they are sure they have the right person.

13. If an employer wants more information, claimant leaflet DWP103 or DWP103W can be issued to them.

14. Partner organisations, for example providers, might also mention Work Trial to employers but they cannot enter in to Work Trial Agreements on our behalf. Only Jobcentre Plus can sign agreements and sanction individual trials under that agreement.

Eligibility

15. Claimant eligibility is explained in the sections below; even if they are eligible you must then consider whether it is appropriate to proceed with a Work Trial.

JSA claimants (aged 18 and over)

16. The general rule for JSA claimants is that to be eligible for Work Trial they must have a continuous claim of 26 weeks or more.

17. However, there are two groups of JSA claimants who can be given access to Work Trial from Day 1 of their claim; these are claimants with either a 'disability' or 'disadvantaged group' marker on their LMS record.

18. Additionally, the following JSA claimants can be given early access at the discretion of their Personal Adviser:

- a claimant identified as potentially being below the Basic Skills Standard Level 1,
- a claimant whose first language is not English,
- a claimant who has served in the regular armed forces of the Crown any day in the last 3 years
- a claimant who, for domestic reasons only, has been away from the labour market for a period of two years or more,

- a claimant who has recently (within last 6 months) been made redundant from a company that has laid off 20 or more workers locally,
- a claimant aged between 18 and 24 with less than 6 months post-education work experience
- a claimant aged 50 or over

Claimants of benefits other than JSA (aged 18 and over)

19. Claimants of the following benefits have Day 1 access to Work Trial:

- Income Support
- Employment and Support Allowance
- Incapacity Benefit
- Severe Disability Allowance
- Carer's Allowance
- Bereavement Benefit
- Pension Credit

Dependant partners

20. It is at the discretion of Personal Advisers if and when to give Work Trial access to the dependant partner of a benefit claimant.

16/17 year olds

21. Young people aged 16 or 17 are **not** eligible for Work Trial under any circumstances.

Vacancy eligibility

22. Employers that have entered into a Work Trial Agreement can subsequently use the initiative to assist in their recruitment for any vacancies, including Apprenticeships, which meet the following criteria:

- the employer has an actual vacancy that they are looking to fill
- the vacancy is for 16 hours per week or more
- the vacancy is expected to last at least 13 weeks
- the vacancy is in United Kingdom.
- it is not covered by the vacancies you must not service criteria.

23. Before each Work Trial begins you must ring the employer to confirm that the above criteria are met.

24. Assuming that is the case, ask the employer to send you a brief email stating the job title and confirming that it satisfies Work Trial eligibility criteria. This email should be printed and filed appropriately (perhaps with the Work Trial Agreement if held locally). If the employer does not have email facilities, the information should be recorded as a conversation on the employer's LMS record.

25. Work Trials **must not** be agreed retrospectively.

26. Even if a vacancy meets the above criteria you must consider whether it is appropriate to proceed with a Work Trial.

Work Programme / Work Choice participants

27. As Work Programme / Work Choice providers have responsibility for guiding jobsearch activity they have to agree that a Work Trial is appropriate for one of their participants; not least because the provider is responsible for meeting the claimant's expenses. Jobcentre Plus must, therefore, ensure the provider is content before arranging a Work Trial.

28. If the provider is content, all checks and processes (with the exception of expenses) are the responsibility of Jobcentre Plus and exactly the same as they are for all other Work Trial participants.

Working with vulnerable groups

29. There is nothing to prevent Work Trial being used to fill vacancies that involve work with vulnerable groups; however a Disclosure and Barring Service (DBS) or Protecting Vulnerable Groups (PVG) check may be required.

30. The Jobcentre Plus position is that employers and organisations should pay for these checks. However, in exceptional circumstances, it may be possible to help certain claimants from the Flexible Support Fund (FSF) budget. See the Disclosure and Barring Service and Protecting Vulnerable Groups checks chapter of FSF guidance.

Is Work Trial appropriate?

31. Even if an employer has signed a Work Trial Agreement, the vacancy being offered meets the eligibility criteria and the claimant is eligible it does not necessarily mean that a Work Trial is appropriate. The following questions must be considered:

Step	Action
1	Is a Work Trial actually necessary? The need for a Work Trial must be judged on the merits of each individual case and be agreed by both the employer and the claimant. It is important to manage employer expectations in this regard and mitigate the risk that applicants view the requirement to undertake a Work Trial as mandatory to the recruitment process. If an employer has more than one vacancy, each potential Work Trial must be looked at on an individual basis in terms of both need and duration of a Work Trial.
2	Has the claimant been formally interviewed by the employer? Work Trial is the final stage of an employer's recruitment process and must always take place after the employer has formally interviewed the claimant.
3	Do the terms and conditions of the Work Trial mirror those of the vacancy? The claimant must be given a fair chance to experience the realities of the actual work and workplace environment. If the vacancy is 8 hours a day, 3 days a week working on a checkout, then the Work Trial must be 8 hours a day, 3 days a week working on a checkout.
4	Is the Work Trial being used to provide training? Whilst any Work Trial will naturally include a short induction period, i.e. to cover company domestics, fire drill / evacuation procedures, first aid arrangements etc and perhaps some basic on the job training, employers must not be allowed to use Work Trial simply as a cheap way of providing training.
5	Is the Work Trial non-competitive? A trial is intended to give the claimant the chance to demonstrate

	and confirm their suitability as for the duration of a trial the person taking part must be the only person under consideration for a particular vacancy. Employers must not use Work Trial to judge who is the best from a group of claimants. If someone has undertaken a Work Trial but was considered unsuitable for the job, or rejected it, the employer can offer another claimant a Work Trial opportunity.
6	Does the job involve working with vulnerable groups?
7	Is an employment agency involved?
8	Is the job being offered on a self-employed basis?
9	Has the vacancy not got a fixed location?
10	Is the claimant taking part in either Work Programme or Work Choice provision?

Employment agencies

32. When considering Work Trial for employment agencies extra care needs to be taken.

33. If the agency is acting on behalf of a third party, Jobcentre Plus must be given access to the end employer as that is who we must enter into a Work Trial Agreement with.

34. If the agency is the end employer, Jobcentre Plus must establish on what basis the claimant would be employed if the trial proved successful. If, for example, the end job is on an 'as and when required' basis then Work Trial is probably not appropriate.

35. Also, if the agency is the end employer, Jobcentre Plus must check where the claimant will actually be working. If it is in another company with whom the agency has a contract to supply labour, Jobcentre Plus must seek assurance from the agency that they will not receive any payment from the host company in respect of the Work Trial participant.

Self-employed vacancies

36. Jobs that are offered on a self-employed basis are unlikely to be suitable for Work Trial. The decision on suitability should be taken by Jobcentre Plus at a local level after considering all the issues, including:

- who will be signing the Work Trial agreement and taking responsibility for the claimant's health and safety?
- is there an increased risk of exploitation? For example, someone engaged as a sales canvasser on a commission only basis may provide the employer with leads while they are on the trial, but end up with nothing in return.
- who will supervise the claimant and decide upon suitability?
- does the claimant clearly understand the terms on which they would be employed if successful?

37. Where the position is on a commission only basis it may help to know who has requested the trial. If it is the claimant, this should allay any fears you may have about their exploitation.

Vacancies with no fixed location

38. Work Trial can be used for vacancies that involve a claimant moving around from place to place, for example, delivery drivers, building trades or service engineers. In these cases Jobcentre Plus must make sure that:

- the claimant is supervised throughout the trial; for example, people who are driving should be accompanied to a sufficient extent that their performance can be effectively assessed, or
- special arrangements are made for monitoring. It may be that Jobcentre Plus arrange for the claimant to be at a pre-arranged place during the trial.

‘Access to Work’ and Work Trial

39. Disabled people taking part in a Work trial can apply for advice and support from Access to Work (AtW). This should encourage more disabled people to take up the opportunity to try out work.

40. When a Work Trial claimant is identified as potentially needing AtW support, the adviser must:

Step	Action
1	Explain to the claimant that they need to make an application for AtW and that their application needs to be made promptly.
2	Explain that they must inform the Operational Support Unit that they are starting a Work Trial rather than starting paid employment.
3	Explain that travelling costs will be paid as normal (locally) and NOT by Access to Work.
4	Provide the claimant with the appropriate AtW Operational support Unit phone number.
5	E-mail the appropriate AtW Operational Support Unit immediately. As personal information is being sent, the subject box must state ‘Restricted: Personal Data - Work Trial’. The email must provide the following details: <ul style="list-style-type: none">• claimant name and national insurance number,• a named contact at the company/organisation the Work Trial is to take place, and• Adviser/Work Trial coordinator details.

41. For further details refer to Access to Work guidance.

Vacancies in other areas

42. If the employer, and therefore the Work Trial, is not in the claimant’s home area you should, as a courtesy, liaise with the Employer Adviser in the area where the employer is based. Decide which of you is best placed to ensure all the employer aspects of Work Trial are dealt with.

43. If a claimant is lodging away from home to undertake the Work Trial, the employer must be advised of the need to allow the claimant reasonable time to:

- attend Jobcentre Plus to claim appropriate expenses
- commute at the start and/or end of each working week.

Duration of a Work Trial

44. It is strongly recommended that the initial trial period should just be for a few days. This can then be reviewed and, if all parties are in agreement, extended on an incremental basis.

45. In exceptional circumstances only, a trial can last up to a maximum of 30 working days (over a period not exceeding 6 calendar weeks)

46. The length of each Work Trial must be decided on a case by case basis between the claimant and the employer. Each has an equal say and you must remain impartial in brokering an agreement on the initial duration.

47. For jobs that are expected to last less than 6 months it would not usually be appropriate for a Work Trial to last longer than a total of 5 days. This limit should not be exceeded unless it is clearly in the best interests of the claimant to do so.

Work Trial Agreement

48. Employers interested in making use of Work Trial as an aid to their recruitment process must enter into a formal agreement with Jobcentre Plus.

49. The agreement, 'Work Trials – Our agreement', sets out the terms and conditions under which Work Trials can be operated and the responsibilities of both the employer and Jobcentre Plus in the process. **Note:** Partner organisations (including contracted providers) **cannot** enter in to Work Trial agreements on our behalf – responsibility sits firmly with Jobcentre Plus alone.

50. The Work Trial agreements (DWP104 and DWP104W) are available here to email to employers to print, complete and return to the Jobcentre Plus office if they wish; they are also available to order via Zanzibar.

51. Employers must be given two copies of the agreement to sign and return to Jobcentre Plus. If they have been sent the agreement by email to print and complete then they must be informed to return two copies.

52. When the signed agreements are returned they must be co-signed by a Jobcentre Plus Band C, or above, who is fully conversant with the purpose and content of the Work Trial Agreement. Even though the versions we can email out are protected, you must check any agreement that has been printed by an employer against the original copy held in guidance to confirm it has not been amended.

53. One copy of the agreement, signed by both parties, must be returned to the employer and the other retained by Jobcentre Plus. The existence of the agreement must be recorded in the notepad field in the employer's record on LMS – the field should be noted 'Work Trial Agreement held from (enter date)'. Agreements with large employers entered into by the National Sales Team are recorded here.

54. Jobcentre Plus must protect the integrity of the Work Trial initiative and ensure that the interests of claimants are protected. Any suspicion of employer abuse must be handled swiftly and sensitively.

55. Work Trial Agreements remain in force until such time as either party notifies the other, in writing, of the intention to cancel the agreement.

Authorising the Work Trial

56. Work Trials **must not** be authorised retrospectively.

57. Work Trial authorisation, based upon specific checks / actions being conducted prior to the claimant starting the trial, is done on form WTAAuth01 by Jobcentre Plus.

Action prior to claimant starting a Work Trial

58. When setting up a Work Trial you must always take the following steps:

Step	Action
1	Check that the claimant is eligible.
2	Make sure the claimant understands that their participation is entirely voluntary and that their benefit will not be affected if they do not wish to take part, leave before the end of the trial period or decline a job offer at the end of the Work Trial.
3	Check that the vacancy is Work Trial eligible and ensure the employer has provided the necessary confirmation.
4	Check that the employer has signed a Work Trial Agreement. If no agreement is held you must make the necessary arrangements before the trial can commence. If the Work Trial is based in another area the LMRA in that area should be contacted.
5	Ensure a Work Trial is appropriate in the circumstances.
6	Agree the start date and duration of the Work Trial; arrange a date, convenient to the employer and claimant, on which you will phone/visit to monitor progress.
7	Explain Work Trial expenses policy and guidance to the claimant and make appropriate arrangements
8	Authorise the Work Trial.
9	Check that an appropriate Work Trial opportunity has been created on LMS. If it has not, ensure that one is created.
10	Refer the claimant to the Work Trial opportunity (if this has not already been done) and set a LMS workflow prompt for the first day of the trial to confirm, with the employer, that the claimant actually starts. A LMS workflow prompt for the monitoring call might also be appropriate depending upon local arrangements.
11	If the claimant is claiming JSA and their signing day falls while they are on the trial, you must make arrangements for them to be able to complete a signing declaration.

Action on the first day of the Work Trial

59. On the first day of the Work Trial you must contact the employer to confirm that the claimant has started and if so:

Step	Action
1	Record the start on the LMS Work Trial opportunity.
2	Record, as a 'conversation' on the claimant's LMS record that they have: <ul style="list-style-type: none">• started Work Trial,• the name of the employer, and• the expected end date. If the trial is subsequently extended the conversation note must be updated accordingly.

3	For JSA claimants complete page 1 of form WT5JP (Notification of a Work Trial) and forward it to the Jobsearch Review team who should file it on the front of the claimant's LMU.
4	For non-JSA claimants note the Work Trial details in the claimant record on the appropriate benefit payment system.
5	Set up form FSFL13 Control sheet and payment record and ensure that arrangements are in place to make the first monitoring call / visit.

60. Any delay in completing actions 2, 3 & 4 could have an impact on the payment of the claimant's benefit or lead to unnecessary work for the Fraud Investigation Service.

61. If the claimant has not started the Work Trial their Personal Adviser must be notified. Although the claimant will not be sanctioned in any way, the adviser will probably wish to explore the reasons behind their non-attendance.

Contact during a Work Trial

62. To ensure the smooth, effective running of each Work Trial Jobcentre Plus must have a nominated person (e.g. the claimant's Personal Adviser, LMRA) who will:

- address any issues arising during the trial
- maintain contact with both employer and claimant to monitor progress
- agree extensions, where appropriate, to the duration of the Work Trial.

Monitoring a Work Trial

63. Jobcentre Plus has a 'duty of care' to any claimant participating in one of our programmes. If you are responsible for arranging a claimant's Work Trial then that 'duty of care' rests with you. Along with colleagues (where appropriate) you must ensure that a system is in place to monitor the progress of each Work Trial you arrange. The logistics of monitoring the trial (i.e. who, when, how) must be decided locally on a case by case basis but it is not something that can be overlooked.

64. Arrangements for monitoring the Work Trial must, therefore, be established before the trial commences. The arrangements must be such that you can ensure:

- the trial is running smoothly and any emerging problems are identified
- the needs of the claimant are being met (the claimant should have the opportunity to relate any concerns they may have in private)
- the employer is living up to their responsibilities as detailed in the Work Trial Agreement.
- the claimant is not working in an obviously unsafe environment. Should there be any concerns about this please refer to, Health and Safety Guidance, Safety on programmes.
- the duration of the trial is effectively managed. Any extensions must be recorded as a conversation on the claimant's LMS record.

65. If you are unable to agree appropriate monitoring arrangements a Work Trial **must not** be authorised.

66. Details of monitoring calls/visits must be recorded on the FSFL13 Control sheet and payment record.

67. Action must be taken if there is any suggestion that the employer might be abusing the Work Trial programme in any way.

Signing and jobsearch arrangements for JSA claimants

68. While on Work Trial a JSA claimant is still required to satisfy the claim conditions. If the claimant's signing day falls while they are on the trial, you must make arrangements for them to be able to complete a signing declaration.

69. This can be done in a number of ways:

- it can be arranged for the claimant to attend as normal on their signing day (the employer will need to be informed if this impacts on the claimant's attendance in the workplace),
- the claimant can be given a postal signing coupon
- local office procedure, check with your Business Manager.

Expenses

70. If the claimant is taking part in either Work Programme or Work Choice they must be advised to speak to their provider about expenses while undertaking a Work Trial.

71. For all other Work Trial participants please see the Travel expenses for Work Trials chapter of Flexible Support Fund guidance.

Action on completion of a Work Trial

72. When the Work Trial ends, for whatever reason, you must take the following action:

Step	Action
1	Complete the FSFL13 Control sheet and payment record.
2	Update the LMS opportunity via the 'view follow-up' window: <ul style="list-style-type: none">• Record the 'end date', and• Record the 'end reason' as either<ul style="list-style-type: none">◦ 'Provision Complete Found Work' (if the participant has been taken on by the employer offering the Work Trial), or◦ 'Provision Complete Other' (for all other outcomes)
3	Check whether the claimant has received all appropriate expenses and if not make the necessary arrangements for them to be paid.
4	For JSA claimants, complete page 2 of form WT5JP (Notification of a Work Trial) and forward it to the Jobsearch Review team

73. Further actions will vary depending on whether the trial is successful (i.e. claimant starts work) or not.

Work Trial successful – claimant starts work

74. You must help the claimant with claim closure action and offer in-work benefit advice.

Work Trial unsuccessful – claimant not engaged

75. You must obtain feedback from both the claimant and the employer. The reasons for the trial not being successful may influence the claimant's future jobsearch or future Work Trials with the host employer, or both.

76. JSA claimants must be reminded that they need to resume normal signing arrangements and take the steps detailed in their Jobseeker's Agreement to find work.

Capturing performance (LMS opportunity)

77. To facilitate the accurate capture of Work Trial performance information the following processes **must** be followed on LMS:

Step	Action
1	A 'provider' record must be set up for the employer offering the Work Trial.
2	A 'Work Trial' opportunity type must be created against the 'provider' record.
3	Refer claimant to the 'Work Trial' opportunity promptly.
4	Claimant ' start date ' should be recorded promptly against the 'Work Trial' opportunity.
5	When the Work Trial ends the ' end date ' should be recorded promptly via the 'view follow-up' window within the opportunity.
6	The 'end reason' must be recorded as either ' Provision Complete Found Work ' (if the participant has been engaged by the employer offering the Work Trial and has moved off benefit) or ' Provision Complete Other ' (for all other outcomes)

Abuse of Work Trial

78. The nature of the Work Trial initiative means that it could be open to abuse by an employer. Jobcentre Plus staff have a clear responsibility to ensure such abuse does not take place and protect the interests of those looking for work.

79. Although employers enter in to formal agreements to offer Work Trial and, in each case, give an assurance that a genuine vacancy exists, Jobcentre Plus must still monitor their operation to ensure that employers are living up to their obligations.

80. Any suspicion that an employer is not operating in the true spirit of the initiative must be fully investigated by Jobcentre Plus at a local level. If doubts remain about the employer's integrity then the Work Trial Agreement must be withdrawn and the employer notified accordingly in writing.

81. If a Work Trial Agreement is withdrawn because of doubts about the employer's integrity, details of the case must be passed to the policy manager.

Forms and letters

82. The forms, letters, proformas etc used in the Work Trial process are detailed below:

Letter / proforma	Use	Ordered / located
WTAAuth01	To authorise a Jobcentre Plus Work Trial	Printable from the intranet
FSFL13 Control sheet and payment record	To monitor and record details of the Work Trial	Printable from the intranet
WT5JP	To notify the Jobsearch Review team that a JSA	Ordered from Zanzibar.

	claimant is undertaking a Work Trial	
DWP103 / DWP103W - Work Trials - Try it for yourself.	Issued to eligible claimants who are interested in Work Trial. See the Promoting Work Trial section of guidance. This can also be issued to interested employers.	Can be downloaded from the intranet and emailed to claimants to attach to online job applications. Available to order from Zanzibar (for use when issuing by post). This can also be issued to interested employers.
DWP104 / DWP104W - Work Trial Agreements	Completed by employers and co-signed by Jobcentre Plus. See the Work Trial Agreement section of guidance.	Can be downloaded from the intranet and emailed to employers. Available to order from Zanzibar (for use when issuing by post).

83. The form and letters used to pay Work Trial expenses are detailed within the 'Forms and letters' chapter of FSF guidance.