

Sanctions and DMA Guidance

Guidance Queries and Help

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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 hyperlinks.

Background

3. The Jobseeker's Allowance (Sanctions) (Amendment) Regulations 2012 introduce a revised sanctions regime for all Jobseeker's Allowance (JSA) claimants aged 18 and over.
4. This revised sanctions regime is intended to strengthen the link between receipt of benefits and the requirement for people to fulfil all of their responsibilities as a claimant. In addition, the new sanctions regime will help prepare claimants for the introduction of Universal Credit.
5. The new regime should directly deter people from failing to meet their obligations as a benefit claimant as the threat of longer, escalating sanctions should encourage them to do all they can to comply. However, this will only work if staff fully understand and can explain in detail the new sanctions regime and the effects of non compliance.

Summary of the changes

6. The revised JSA sanctions regime will come into effect from 22 October 2012, and will introduce 3 levels of sanctions:
 - Higher level – Higher level failures will lead to claimants being sanctioned for a period of 13 weeks, 26 weeks or 156 weeks.
 - Intermediate level – Intermediate level failures will lead to a claimants' award ending followed by a sanction. In total claimants will lose benefit for a period of 4 weeks or 13 weeks.
 - Lower level – Lower level failures will lead to claimants being sanctioned for a period of 4 weeks or 13 weeks.

Note: The length of the sanction imposed will depend on whether the claimant has already been sanctioned for a doubt of the same level, and if so, the number of times.

7. The new sanctions will apply to failures committed on or after 22 October 2012. If a claimant committed a failure before 22 October (regardless of when the Labour Market Decision Maker makes their determination) this will be dealt with under the old (pre 22 October) rules.
8. From 22 October 2012, claimants no longer have to show they had good cause or just cause for their failure to avoid a sanction; instead, claimants have to show that they had good reason. Good reason is not defined in legislation, however Decision Makers (DMs) should take into account all of the

claimant's circumstances and their reasons when determining whether or not a sanction is applicable.

9. The revised sanctions regime will also introduce changes to the start date of a sanction. Sanctions have previously been applied from the start of the next benefit week after the DM made their determination. However, to ensure that claimants see the consequences of their actions/inactions sooner, the revised sanctions legislation will enable DMs to impose sanctions closer to the date of failure.

Higher level sanctions

When will a higher level sanction be applied?

10. Higher level sanctions will be applied where a claimant:

- loses employment through misconduct;
- leaves a job voluntarily without good reason;
- refuses or fails to apply for a job or refuses to accept a job if offered without good reason;
- neglects to avail themselves of a reasonable opportunity of employment without good reason; or
- fails to participate in the Mandatory Work Activity (MWA) scheme without good reason.

Sanction period

11. Subject to certain exceptions, the higher level sanctions period will be:

- 13 weeks for a first higher level failure;
- 26 weeks for a second higher level failure committed within 52 weeks of a previous higher level failure; **or**
- 156 weeks for a third or subsequent higher level failure where the claimant has committed two or more previous higher level failures the most recent of which occurred within 52 weeks of the date of the claimant's current higher level failure.

Note: it is the date of the claimant's failure/transgression that is used to determine the length of the sanction applicable.

12. However, to ensure that claimants do not accumulate lengthy sanctions for failures that occur within a short space of time, where a claimant commits multiple higher level failures, the period of the sanction will not escalate for failures that occur within the same two week period.

Note: The two week period relates to calendar weeks rather than benefit weeks, therefore the failures could occur within separate signing periods.

Example 1

- Alan is a JSA claimant, and refuses to apply for a notified vacancy on 30 November 2012. This is Alan's first high level sanction therefore the failure attracts a 13 week sanction.
- On 30 December 2012, Alan fails to participate in the MWA scheme. This is Alan's second high level sanction within 52 weeks of a previous high level sanction, therefore the failure attracts a 26 week sanction.

Example 2

- Mark is a JSA claimant, and refuses to apply for a notified vacancy on 30 November 2012. This is Mark's first high level sanction therefore the failure attracts a 13 week sanction.
- On 5 December 2012, Mark fails to participate in the MWA scheme. This is Mark's second high level sanction, however as these failures occurred within the same two week period, this failure attracts a 13 week sanction.

Exceptions

13. There are several exceptions to the higher level sanction period for claimants who commit a failure prior to claiming JSA (known as 'pre-claim failures') such as:

- losing employment due to misconduct,
- leaving employment voluntarily, or
- neglecting to avail themselves of a reasonable opportunity of employment.

14. If a claimant commits a pre-claim failure, that failure will be disregarded by a DM when determining the applicable sanction period for a subsequent higher level sanction.

Note: Even though pre-claim failures are disregarded when determining the sanction length for a subsequent higher level failure, the length of the sanction imposed when a claimant commits a pre-claim failure will be affected by any previous higher level sanctions the claimant has had imposed.

Example 3

- On 16/11/12 Paula is sacked from her job. She claims JSA on 28/11/12.
- The DM determines that Paula lost her job due to misconduct and imposes a higher level sanction
- The DM imposes a 13 week sanction for a first failure (Misconduct).
- On 4/9/13 Paula refuses employment.
- The DM determines that Paula did not have good reason for the failure so imposes a higher level sanction. The second higher level failure is within 52 weeks of the first failure, however as the first failure occurred before Paula made a claim to JSA (i.e. it is a pre-claim failure) it is not counted when determining the sanction period for the second failure.
- The DM imposes a 13 week sanction for the second failure (RE).

Example 4

- On 16/11/12 Carl refuses employment.
- The DM determines that Carl did not have good reason for the failure so imposes a higher level sanction.
- The DM imposes a 13 week sanction for a first failure (RE).
- On 28/3/13 Carl terminates his JSA claim as he has found Work.
- On 14/6/13 Carl is sacked from his job. He claims JSA on 17/6/13.
- The DM determines that Carl lost his job due to misconduct and imposes a higher level sanction
- Even though the second failure is a pre-claim failure it is within 52 weeks of a previous higher level failure.
- The DM imposes a 26 week sanction for a second failure (Misconduct).

15. If a claimant commits a pre-claim failure, the applicable sanction period will be reduced by the period between the date of the claimant's failure and the date they claimed JSA. For example, if a claimant voluntarily left employment without good reason, and this was their first higher level sanction, they would normally receive a 13 week sanction, however if that claimant delayed their claim to JSA for 4 weeks, the applicable sanction period would be 9 weeks (ie the 13 week sanction period less the 4 weeks that the claimant delayed their claim).

16. Where a claimant leaves temporary employment voluntarily or through misconduct, the applicable sanction period will be affected by the length of time the claimant had remaining in that temporary employment. The maximum sanction period applicable will equal the period between the date of the failure and the end date of the period of employment. For example, if the employment was due to end 10 weeks after the person left that employment the maximum sanction which could be imposed would be for 10 weeks.

17. In addition to the exceptions for pre-claim failures, if a claimant leaves JSA during the period of a high level sanction and then reclaims after being in employment for 26 weeks or more, any outstanding balance remaining of the original sanction period should **not** be applied to the new claim. In this case, employment includes both employed earners employment and self employment which, because of the weekly hours involved or the level of remuneration, would make the claimant ineligible for any employment related benefits (such as Income Support, JSA, or ESA).

Note: the 26 weeks of work do not need to be continuous but can comprise of several shorter periods, However in all cases, only employment since the date of the most recent sanctionable failure counts towards the 26 weeks period.

When will the higher level sanction period begin?

18. The revised sanctions regime will introduce changes to the start date of a sanction to ensure that claimants see the consequences of their failures sooner.

19. The start date for a higher level sanction will be affected by whether or not, at the time that the DM makes their determination, the claimant had been paid JSA for the benefit week in which the failure occurred. Consequently, the sanction period will begin:

- On the first day of the benefit week in which the failure occurred if the claimant has **not** been paid JSA for that week; **or**
- On the first day of the benefit week following the date to which the claimant was last paid JSA.

Misconduct

20. The revised sanction regime will affect the sanction a claimant will receive for losing employment through misconduct.

21. If a claimant loses employment through misconduct prior to 22 October 2012 (regardless of when the Labour Market Decision Maker makes their determination), they will receive a variable sanction of between 1 and 26 weeks depending upon their circumstances.

22. If a claimant loses employment through misconduct on or after 22 October, they will receive a higher level sanction of 13 weeks, 26 weeks or 156 weeks (subject to the various exceptions for pre-claim failures).

23. Despite the change to the sanctions regime, the operational processes that must be followed when a claimant loses employment through misconduct are unchanged. See the End of Employment chapter for further information on the actions to take.

Leaving Voluntarily

24. The revised sanction regime will affect the sanction a claimant will receive for leaving employment voluntarily.

25. If a claimant leaves employment voluntarily prior to 22 October 2012 (regardless of when the Labour Market Decision Maker makes their determination), they will receive a variable sanction of between 1 and 26 weeks depending upon their circumstances.

26. If a claimant leaves voluntarily without good reason on or after 22 October, they will receive a higher level sanction of 13 weeks, 26 weeks or 156 weeks (subject to the various exceptions).

27. Despite the change to the sanctions regime, the operational processes that must be followed when a claimant leaves employment voluntarily are unchanged. See the End of Employment chapter for further information on the actions to take.

Refusal of Employment

28. The revised sanction regime will affect the sanction a claimant will receive for refusing or failing to apply for a job or refusing to accept a job when offered.

29. If a claimant refuses employment prior to 22 October 2012, (regardless of when the Labour Market Decision Maker makes their determination) they will receive a variable sanction of between 1 and 26 weeks depending upon their circumstances.

30. If a claimant refuses employment without good reason on or after 22 October, they will receive a higher level sanction of 13 weeks, 26 weeks or 156 weeks.

31. Despite the change to the sanctions regime, the operational processes that must be followed when a claimant refuses employment are unchanged. See the Refusal and failure to apply for or accept employment chapter for further information on the actions to take.

Neglect to Avail

32. The revised sanction regime will affect the sanction a claimant will receive for neglecting to avail themselves of a reasonable opportunity of employment.

33. If a claimant neglects to avail themselves prior to 22 October 2012 (regardless of when the Labour Market Decision Maker makes their determination), they will receive a variable sanction of between 1 and 26 weeks.

34. If a claimant neglects to avail themselves without good reason on or after 22 October, they will receive a higher level sanction of 13 weeks, 26 weeks or 156 weeks.

35. Despite the change to the sanctions regime, the operational processes that must be followed when a claimant neglects to avail themselves are unchanged. See the Neglect to avail employment chapter for further information on the actions to take.

Mandatory Work Activity

36. The revised sanction regime will affect the sanction a claimant will receive for failing to participate in the Mandatory Work Activity Scheme.

37. If a claimant fails to participate in MWA prior to 22 October 2012 (regardless of when the Labour Market Decision Maker makes their determination), they will receive a fixed sanction of 13 or 26 weeks depending upon the number of occasions they have been sanctioned for failing to participate in MWA.

38. If a claimant fails to participate in MWA on or after 22 October, they will receive a higher level sanction of 13 weeks, 26 weeks or 156 weeks. The length of the sanction imposed will depend on whether the claimant has already been sanctioned for a higher level doubt, and if so, the number of times.

39. Despite the change to the sanctions regime, the operational processes that must be followed when a claimant fails to participate in MWA are unchanged. DMA referrals will continue to be made directly by the MWA provider to the LMDMA team. See the Mandatory Work Activity Procedural Guidance for further information on the actions to take.

Intermediate level sanctions

When will an intermediate level sanction be applied?

40. Where a DM determines that a claimant was not available and/or actively seeking employment (ASE), their claim to JSA will be disallowed.

41. An additional sanction (an intermediate level sanction) can be imposed on those claimants who have their JSA award disallowed for not being available for or actively seeking employment.

42. Following a disallowance decision, most claimants have to reclaim JSA in order to re-establish their benefit entitlement. However in a small number of cases this is not applicable.

43. If a claimant's benefit was suspended because of an availability/ASE doubt and they re-comply before the suspension ends, the regulations allow the claimant's JSA entitlement to resume without them having to reclaim benefit. This will occur where the claimant attends fortnightly and the availability/ASE doubt relates to the first week of the fortnight but not the second. For example:

Example 5

- George attends for his regular 'fortnightly' Jobsearch Review on 17 April 2013. Although he has met the ASE requirement for the week 11 to 17 April, there is a doubt for the period 4 to 10 April. Therefore, George's payment of JSA is suspended whilst the doubt is investigated.
- The LMDM decides that George did not actively seek employment for the week 4 to 10 April and nor could he be treated as actively seeking employment. Therefore, George's entitlement to JSA ends for that week.
- As the second week of the fortnight was not in doubt, George has re-complied with the JSA conditions of entitlement before the DM's decision was made, therefore George is not required to reclaim JSA in order to re-establish his benefit entitlement.

44. Regardless of whether or not a claimant has to actually reclaim JSA, an intermediate level sanction should be applied if appropriate.

Sanction period

45. Subject to certain exceptions, the maximum sanction period for an intermediate level failure will be:

- 4 weeks for a first intermediate failure; **or**
- 13 weeks for a second or subsequent intermediate level failure where the claimant has committed one or more previous intermediate level failures within 52 weeks of the date of the claimant's current intermediate level failure.

Note: it is the date of the claimant's failure/transgression that is used to determine the length of the sanction applicable.

46. However, to ensure that claimants do not accumulate lengthy sanctions for failures that occur within a short space of time, where a claimant commits multiple intermediate level failures, the period of the sanction will not escalate for failures that occur within the same two week period.

Note: The two week period relates to calendar weeks rather than benefit weeks, therefore the failures could occur within separate signing periods.

47. When determining the actual length of the sanction applicable for an intermediate level failure, the maximum sanction period (either 4 or 13 weeks) will be reduced by the length of time between the disallowance and the date that the claimant reclaims JSA.

Exceptions

48. For intermediate level failures there are times when it would be unfair to further penalise the claimant following the disallowance. Therefore a DM has some flexibility to decide that a sanction is not appropriate even though a claimant has had their JSA award terminated for not being available and/or ASE.

49. For example, if a claimant has previously been treated as available/ASE due to undertaking an employment related course, they could not be treated as available/ASE again if they undertook another course within a 12 month period. Whilst the claimant would have their benefit disallowed if they undertook an additional course, it would be unreasonable to further penalise them for taking steps to move themselves closer to the labour market.

Therefore the DM can decide not to impose a sanction.

50. If a DM decides that a sanction is not applicable for an intermediate level failure, that failure will be disregarded by a DM when determining the applicable sanction period for a subsequent intermediate level sanction.

When will the intermediate level sanction period begin?

51. The sanction period for an intermediate level sanction will begin on the date that the claimant reclaims JSA after having their benefit disallowed for not being available for or actively seeking employment.

Example 6

- Mary has reclaimed JSA on 29 November 2012 following a disallowance on the grounds that she was not ASE and could not be treated as such.
- The DM determined that Mary did not ASE for the benefit weeks commencing 15 November and 22 November, therefore Mary was disallowed from 15 November to 28 November 2012. Mary was last paid JSA for the benefit week ending 14 November.
- As this is her first such disallowance, the DM determined that a four week reduction would apply in Mary's case. However the four week reduction is reduced by 14 days (the period from 15/11 to 28/11). This means that Mary's JSA will be reduced for 14 days.
- The 14 day reduction will commence on 29 November, the date that she reclaimed JSA.

Available for or actively seeking employment

52. The revised sanction regime affected the penalty that a claimant received for not complying with the availability or ASE conditions.

53. If a DM determines that a claimant was not available or ASE prior to 22 October 2012, their claim to JSA will be disallowed.

54. If a DM determines that a claimant was not available or ASE on or after 22 October, they will receive a disallowance and an additional intermediate level sanction (subject to the various exceptions).

55. As a direct result of the new sanctions regime, the operational processes that must be followed when an availability/ASE doubt is identified have changed.

56. Where an availability/ASE doubt is identified the claimant's JSA claim must be suspended and a referral made to a DM for consideration.

57. If the DM subsequently determines that the claimant was not available and/or ASE, their claim to JSA will be disallowed.

58. Following a disallowance decision, claimants have to re-engage with Jobcentre Plus in order to re-establish their benefit entitlement. Most claimants will have to reclaim JSA, by completing a clerical JSA1 (ILS), to re-engage, however in the small number of cases where the claimant is not required to reclaim JSA, they can re-engage by attending their next scheduled interview/intervention.

59. When a DM determines that a claimant's benefit should be disallowed, they will also make a recommendation as to whether or not a sanction should be imposed. From 13 May 2013, the recommended sanction can be applied to the claimant's JSA claim when they re-engage without a separate sanction referral being made.

60. See the Availability and Actively Seeking Employment chapter of the Labour Market Conditions Guide for further information.

Availability/ASE doubts raised by Work Programme Providers

61. Work Programme Providers raise entitlement queries with the Jobcentre (JC) using form WP10. Subsequently, at their next jobsearch review the claimant's continuing entitlement to JSA is reviewed and if appropriate a referral made to a DM for consideration of availability/ASE. This process will continue despite the changes to the sanctions regime, however from 22

October 2012 extra actions must be undertaken if the DM decides that an intermediate level sanction is applicable.

62. If the DM decides that a sanction is applicable for an intermediate level failure for a claimant on the Work Programme, form WP10a must be used to notify the Work Programme Provider of the sanction decision. Advisers will be required to check the LMS decision history for all applicable claimants regularly, so that the provider is notified of the sanction decision as soon as possible.

New JSAPS Codes for actively seeking/availability doubts

63. There are three new codes that can be used to input suspensions into JSAPS:

- CSN001 – for all Availability doubts
- CSN013 – for all ‘regarded as....’ doubts
- CSN015 – for all Actively seeking doubts

Lower level sanctions

When will a lower level sanction be applied?

64. Lower level sanctions will be applied where a claimant:

- fails to attend an interview without good reason;
- fails to participate in a Scheme for Assisting Persons to Obtain Employment without good reason;
- refuses or fails to carry out a jobseeker’s direction without good reason;
- voluntarily leaves a place on a training scheme or employment programme without good reason;
- neglects to avail themselves of a reasonable opportunity of a place on a training scheme or employment programme without good reason;
- Refuses, fails to attend or loses through misconduct a place on a training scheme or employment programme without good reason;

Sanction period

65. The lower level sanction period will be:

- 4 weeks for a first lower level failure; **or**
- 13 weeks for a second or subsequent lower level failure where the claimant has committed one or more previous lower level failures the most recent of which occurred within 52 weeks of the date of the claimant’s current lower level failure.

Note: it is the date of the claimant’s failure/transgression that is used to determine the length of the sanction applicable.

66. However, to ensure that claimants do not accumulate lengthy sanctions for failures that occur within a short space of time, where a claimant commits multiple lower level failures, the period of the sanction will not escalate for failures that occur within the same two week period.

Note: The two week period relates to calendar weeks rather than benefit weeks, therefore the failures could occur within separate signing periods.

Example 7

- Daniel is a JSA claimant, and fails to attend an interview on 30 November 2012. This is Daniel's first lower level sanction therefore the failure attracts a 4 week sanction.
- On 30 January 2013, Daniel fails to comply with a Jobseeker's Direction. This is Daniel's second lower level sanction within 52 weeks of a previous lower level sanction; therefore the failure attracts a 13 week sanction.

Example 8

- Mohammed is a JSA claimant, and fails to attend an interview on 30 November 2012. This is Mohammed's first lower level sanction therefore the failure attracts a 4 week sanction.
- On 03 December 2012, Mohammed fails to comply with a Jobseeker's Direction. This is Mohammed's second lower level sanction, however as these failures occurred within the same two week period, this failure also attracts a 4 week sanction

67. A lower level sanction will not be applied to any failure that can also be sanctionable at the higher level. For example, a claimant can be issued with a Jobseeker's Direction to apply for a specific vacancy. If they subsequently fail to apply for the vacancy the claimant will have committed a lower level failure (ie failing to comply with a jobseekers direction) and a higher level failure (ie refusing employment), in these cases the higher level failure will take precedence.

When will the lower level sanction period begin?

68. The revised sanctions regime will introduce changes to the start date of a sanction to ensure that claimants see the consequences of their failures sooner.

69. The start date for a lower level sanction will be affected by whether or not, at the time that the DM makes their determination, the claimant had been paid JSA for the benefit week in which the failure occurred. Consequently, the sanction period will begin:

- On the first day of the benefit week in which the failure occurred if the claimant has **not** been paid JSA for that week; **or**
- On the first day of the benefit week following the date to which the claimant was last paid JSA.

Failing to attend/Fail to participate in an interview

70. The revised sanction regime will affect the sanction a claimant will receive for failing to attend (FTA) an interview. In addition, under the new regime, claimants will be required to participate in an interview rather than just attend one. Consequently sanctions will be applicable for those claimants who fail to participate in an interview.

71. If a claimant fails to attend an interview prior to 22 October 2012 (regardless of when the Labour Market Decision Maker makes their determination), they will receive a fixed sanction of 1 or 2 weeks.

72. If a claimant fails to participate in an interview without good reason on or after 22 October, they will receive a lower level sanction of 4 or 13 weeks.

73. Despite the change to the sanctions regime, the operational processes that must be followed when a claimant FTA are unchanged. See the Failure to Attend Interviews and Jobsearch Reviews chapter for further information on the actions to take.

Scheme for Assisting Persons to Obtain Employment failures

74. The revised sanction regime will affect the sanction a claimant will receive for failing to participate in a Scheme for Assisting Persons to Obtain Employment (SAPOE), i.e. Work Programme, Skills Conditionality etc.

75. If a claimant fails to participate in a SAPOE scheme prior to 22 October 2012 (regardless of when the Labour Market Decision Maker makes their determination), they will receive a fixed sanction of 2, 4, or 26 weeks depending upon the number of occasions they have previously been sanctioned for failing to participate in a SAPOE scheme.

76. If a claimant fails to participate in SAPOE scheme on or after 22 October, they will receive a lower level sanction of 4 or 13 weeks. The length of the sanction imposed will depend on whether the claimant has already been sanctioned for a lower level doubt, and if so, the number of times.

Impact upon operational processes

77. The changes being introduced as part of the new sanctions regime will have an impact upon the operational processes followed when a claimant fails to participate in the SAPOE scheme.

78. Prior to 22 October 2012, a claimant can have a 26 week sanction lifted (after they have served at least 4 weeks of that sanction) if they re-comply, however this will no longer apply from 22 October. From this date, once a sanction is imposed on a claimant for failing to participate in the SAPOE scheme, it will continue to run regardless of whether or not the claimant recomplies. Consequently, providers will no longer use form WP09 to notify recompliance.

79. To ensure that claimants are not adversely impacted by this, access to JSA hardship will be extended to include all claimants who are participating on an SAPOE scheme. Further information on JSA Hardship is available within the JSA Hardship Awards chapter of the JSA Procedural Guidance.

Jobseeker's direction

80. The revised sanction regime will affect the sanction a claimant will receive for refusing or failing to comply with a Jobseeker's Direction (JSD)

81. If a claimant refuses or fails to comply with a JSD prior to 22 October 2012, they will receive a fixed sanction of 2 or 4 weeks.

82. If a claimant refuses or fails to comply with a JSD without good reason on or after 22 October (regardless of when the Labour Market Decision Maker makes their determination), they will receive a lower level sanction of 4 or 13 weeks.

83. Despite the change to the sanctions regime, the operational processes that must be followed when a claimant refuses or fails to comply with a JSD are unchanged. See the Refusal or failure to carry out a Jobseeker's Direction chapter for further information on the actions to take.

Voluntarily leaves a place on a training scheme or employment programme

84. The revised sanction regime will affect the sanction a claimant will receive if they voluntarily leave a place on a training scheme or employment programme.

85. If a claimant voluntarily leaves prior to 22 October 2012 (regardless of when the Labour Market Decision Maker makes their determination), they will receive a fixed sanction of 2, 4, or 26 weeks.

86. If a claimant voluntarily leaves without good reason on or after 22 October, they will receive a lower level sanction of 4 or 13 weeks.

87. Despite the change to the sanctions regime, the operational processes that must be followed when a voluntarily leaves a place on a training scheme or employment programme are unchanged. See the Training schemes and employment programmes chapter for further information on the actions to take.

Neglects to avail a place on a training scheme or employment programme

88. The revised sanction regime will affect the sanction a claimant will receive for neglecting to avail themselves of a place on a training scheme or employment programme.

89. If a claimant neglects to avail themselves prior to 22 October 2012 (regardless of when the Labour Market Decision Maker makes their determination), they will receive a fixed sanction of 2, 4, or 26 weeks.

90. If a claimant neglects to avail themselves without good reason on or after 22 October, they will receive a lower level sanction of 4 or 13 weeks.

91. Despite the change to the sanctions regime, the operational processes that must be followed when a claimant neglects to avail themselves are unchanged. See the Training schemes and employment programmes chapter for further information on the actions to take.

Refuses, fails to attend or loses through misconduct a place on a training scheme or employment programme

92. The revised sanction regime will affect the sanction a claimant will receive for refusing, failing to attend or losing through misconduct a place on a training scheme or employment programme

93. If a claimant refuses, fails to attend or loses through misconduct a place on a training scheme or employment programme prior to 22 October 2012 (regardless of when the Labour Market Decision Maker makes their determination), they will receive a fixed sanction of 2, 4, or 26 weeks.

94. If a claimant commits the failure without good reason on or after 22 October, they will receive a lower level sanction of 4 or 13 weeks.

95. Despite the change to the sanctions regime, the operational processes that must be followed when a claimant refuses, fails to attend or loses through misconduct a place a training scheme or employment programme are unchanged. See the Training schemes and employment programmes chapter for further information on the actions to take.