

Claimants who may be treated as available and/or actively seeking employment

Background

1. Claimants may not always be able to satisfy the availability or actively seeking employment (ASE) requirements. In some circumstances they can be treated as available and/or actively seeking employment.
2. A claimant that has been treated as available may, in some circumstances, also be excused attendance, and they do not need to take any steps to look for work in any week in which they have been treated as ASE.
3. Do not treat a claimant as available or ASE in any week in which they do satisfy the availability and ASE conditions.
4. In some circumstances there is a maximum period for which they can be treated as available for and/or ASE in any year.
5. In most cases the 12 month period starts from the first date on which the circumstances to be considered arise. The exception to this is for temporary periods of sickness.
6. For any day that a claimant can be treated as available for employment they are treated as available for the number of hours they have agreed to be available in their Jobseeker's Agreement (JSAg). If they do not have a fixed pattern of availability on their JSAg, they are treated as available for 8 hours on each day that the circumstances arise for the purposes of determining whether they were available for 40 hours in a week.
See Example 1.

Circumstances in which a claimant may be treated as available for, and actively seeking, employment

The first week of a claim

7. Where the date of claim is not the first day of a benefit week, claimants can be treated as available for any part of the period from the date of claim to the end of the first benefit week if:
 - they have drawn up a Jobseeker's Agreement (JSAg) with an agreed pattern of availability ; or
 - they have agreed with an adviser restricted hours for which they are available because of:
 - caring responsibilities;
 - physical or mental conditions; or
 - short time working; and
 - they are available in accordance with the pattern agreed for the corresponding days in the part week where they are not treated as available for employment for any other reason for the same period. For example, they are not engaged in emergency duties as a part time member of the fire service.
8. They can also be treated as available for any part of the period from the date of claim to the end of the first benefit week if:
 - they do not have a pattern of availability recorded on a JSAg; and

- they are available for a minimum of eight hours on each of the days in that period and they are not treated as available for any other reason.
9. In all cases described above any restriction imposed on availability must have been agreed with an adviser and the claimant must be available to start work immediately unless they fall within one of the exceptions.
10. If they cannot be treated as available under any of the circumstances above or for any of the reasons below, refer to the Labour Market Decision Maker (LMDM).

Actively seeking employment

11. Where the date of claim is not the first day of a benefit week, claimants can satisfy the ASE test for the period from the date of claim up to the end of the first benefit week, if they have taken steps that it would be reasonable for them to take in that period.
12. The steps must give them their best chance of getting employment.
13. This means that because the period is less than a full week they would not have been able to take all the steps set out in their JSAg.
14. The claimant must take those which are appropriate for them to take in a part week. If no steps are taken or the steps are insufficient to satisfy the condition, reference to the LMDM is necessary.
See Example 2.
15. These procedures apply even when the JSAg is not completed until after the date of claim. Claimants should agree a pattern of availability for the part week to suit their availability at that time and then immediately vary their JSAg to reflect their usual availability.

The last week of a claim

16. Claimants are treated as available for and ASE in the last week of a claim. This begins on the day after the benefit week ending day of the last full week of the claim and ends on the day before the date the claim is terminated.

Backdated claims

17. A claimant must be available and ASE, or be treated as being for available and ASE, for each week of a backdated claim, therefore if a claimant makes a backdated claim, an availability or ASE doubt may arise.
18. The treated as available provision cannot be considered until it has been decided whether backdating is appropriate. This action is taken in the BDC and establishes the date of claim and whether there is a part week in which the treated as available and treated as actively seeking employment provisions can be considered.
19. Availability and ASE are weekly conditions; therefore each full benefit week in which a doubt arises must be referred to the LMDM for a decision.
20. This also applies to the benefit week, which includes the Treat as Made (TAM) date, or Date of Claim (DOC) accepted at the New Jobseeker Interview.
21. Where the TAM date or DOC is not the first day of a benefit week, the days from the TAM date or DOC to the first benefit week ending should also be referred to the LMDM for a decision.

22. This applies to all cases where the claimant has specified a pattern of availability.
See Example 3.

Part time fire brigade members, lifeboat crews members and emergency duties

23. Claimants are treated as available for employment while they are carrying out the following duties:

- engaged in crewing or launching a lifeboat;
- on duty as part-time members of a fire brigade;
- engaged in emergency duties for the benefit of others.

24. Claimants are also treated as ASE in any benefit week in which they carry out these duties for not less than 3 days.

25. Claimants are engaged in emergency duties for the benefit of others if they are:

- helping people whose life may be at risk;
- helping people who may be exposed to the risk of a serious bodily injury;
- helping people whose health may be seriously impaired;
- protecting property of substantial value from imminent risk of serious damage or ruin. There is no definition of 'substantial value' in JSA regulations. If unsure as to whether property has 'substantial value' refer the availability or actively seeking employment doubt to the LMDM;
- helping to prevent a serious threat to the health of others.

26. Events which may give rise to an emergency are:

- fire, flood or explosion;
- natural disaster;
- railway or other transport accident;
- cave or mountain accident;
- the search for a missing person;
- an accident at sea.

27. Claimants who are engaged in duties as described above for less than 3 days in a benefit week must take some steps to ASE in that week. Take into account the time spent on these duties when considering whether the steps a claimant has taken are sufficient.

28. Take the following action:

Step	Action
1	ask the claimant to give the details of the activity they are involved in, including dates;
2	send to the BDC who will input dialogue JA091: Maintain Claim Details to JSAPS;
3	on form ES673: <ul style="list-style-type: none">• tick box A; and• enter the period that the claimant is engaged in these duties;
4	Sign and date the form and attach it to the Labour Market Unit; (LMU)
5	tell the claimant to attend on their next usual attendance day;

6	ask the claimant to contact the Jobcentre in advance if they are unable to attend on this day otherwise their claim may be terminated;
7	payment of JSA will be made automatically without the need to confirm attendance.

29. If the claimant is engaged in any of these duties on a day when they should attend, attendance is excused. This is providing they notify the Jobcentre on or before the day of attendance that they will not be able to attend.

30. A claimant may attend late and declare the reason for late attendance as participation in emergency duties. They can be treated as available and the failure to attend question can be treated as straightforward if the claimant was given at least 24 hours notice of the requirement to attend.

Members of the Reserve Forces

31. The Jobseeker's Allowance (Members of the Reserve Forces) Regulations 2012 come into force on 30 July 2012. From this date, claimants can be treated as available for employment, for a maximum of 15 days in any calendar year, where they are:

- a member of the reserve forces; **and**
- attending their annual training camp (known as annual continuous training) regardless of whether the training is in GB or abroad.

32. The territorial or reserve forces are:

- Royal Fleet Reserve;
- Royal Naval Reserve;
- Royal Marines Reserve;
- Army Reserve;
- Territorial Army (which includes members of the Royal Irish Regiment);
- Royal Air Force Reserve; and
- Royal Auxiliary Air Force.

33. Members of the reserve forces who claim JSA should also be treated as ASE in any benefit week where they are attending their annual continuous training for not less than 3 days.

34. Claimants who attend their annual continuous training for less than 3 days in a benefit week must take some steps to seek work in that week. However, the time spent attending the training must be taken into account when determining whether or not the claimant has fulfilled the ASE condition.

35. Details of any availability and/or ASE doubt should be referred to the LMDM for consideration.

36. A claimant, who is a member of the reserve forces, should be excused attendance during any period that they are treated as available for employment due to attending their annual continuous training.

37. When a claimant notifies before they leave that are going to go on their annual continuous training, take the following action:

Step	Action
1	Ask the claimant to fully complete the RES1 (Reserve Forces Notification of Annual Camp) form.
2	Determine whether or not the claimant can be treated as available

	during the period of their annual continuous training, eg check that the duration of the camp does not exceed 15 days. Refer details of any availability doubt to the LMDM for consideration.
3	Send the completed RES1 to the BC for them to input dialogue JA091: Maintain Claim Details into JSAPS to record the temporary period of unavailability. Once the BC has input JA091 into JSAPS, payment of the claimants JSA will be issued automatically without the need to confirm attendance.
4	On the LMS 'Client Conversations' screen record details of: <ul style="list-style-type: none"> • the annual continuous training; • the dates of attendance; and • the period to be treated as available.
5	Manually annotate form ES673 that the claimant is participating in an annual training camp as a member of the reserve forces. Enter the period that the claimant is being treated as available, and sign and date the form.
6	Attach the completed ES673 to the front of the LMU to prevent the claim being terminated.
7	Tell the claimant to attend on their next usual attendance day to avoid their claim being terminated.

38. Further guidance about the impact of attending annual continuous training upon a persons JSA claim is available within JSA Payment Procedural Bulletin 2012/05.

Open University Residential course

39. Claimants are treated as available for employment for a maximum of one week per course if they attending an Open University (OU) residential course as a requirement of their studies. A week in this case is a period of seven consecutive days which starts on the first day of the OU residential course.

40. They are also treated as ASE for a maximum of 1 week per course if they are attending an OU residential course for not less than 3 days in a week. A week in this case is a benefit week.

41. An OU course results in the award of one credit or a half credit that counts towards the award of a degree. Residential courses are usually attended for courses that attract the award of one credit, although there may be exceptions.

42. Claimants who are attending an OU residential course for less than 3 days in a benefit week must take some steps to ASE in that week.

43. Take the following action:

Step	Action
1	access JSAPS dialogue JA501: Claim Details Enquiry and/or LMS to confirm whether the claimant has already been treated as available whilst attending an OU residential course;
2	ask the claimant to give details of the: <ul style="list-style-type: none"> • residential course; and • dates of attendance if they have not been treated as available previously;

3	send the details to the BDC who will input dialogue JA091: Maintain Claim Details to JSAPS;
4	record the details on LMS 'Client Conversations' screen.

44. If the week in which the claimant is attending the residential course is the week they would normally attend, attendance can be excused:

Step	Action
1	complete form ES673 by: <ul style="list-style-type: none"> ticking box B; and entering the dates of the residential course;
2	sign and date the form and attach it to the front of the LMU; payment of JSA will be made automatically without the need to confirm attendance;
3	tell the claimant to attend on their next usual attendance day;
4	ask them to contact the Jobcentre/Jobcentre Plus office in advance if they are unable to attend on that day as their claim may be terminated if they fail to attend.

45. If the claimant cannot be treated as available for the period they are on the residential course:

Step	Action
1	complete form ES674C, by: <ul style="list-style-type: none"> ticking the appropriate box; and entering the dates;
2	do not complete ES673, as attendance cannot be excused;
3	when the claimant returns refer to the LMDM, with full details, for a decision on both availability and failure to attend, as attendance cannot be excused if the claimant cannot be treated as available.

Discharged from a prison, remand centre or youth custody institution

46. Claimants who have been discharged from detention in a prison, remand centre or youth custody institution are treated as available for work for one week starting from the date of discharge. A week in this case is a period of 7 consecutive days which starts with the date of discharge.

47. They are also treated as ASE for any days they are treated as available and for the remainder of any week if they are treated as available for at least one day in that week.

See Example 4.

48. This does not include release from police cells unless they are being used as a prison where there is a shortage of prison accommodation.

49. The date of discharge will be on the Customer Statement or claim form and details of the period the claimant could be treated as available should be recorded on form ES675 and the LMS 'Client Conversations' screen.

50. Claimants who have been released from prison are not automatically excused attendance because they can be treated as available. To be excused attendance they would need to show that they could be treated as available for some other reason. If they cannot do so normal failure to attend action will be necessary.

Attending a job interview abroad

51. Claimants can be treated as available for a maximum of one week on each occasion that they are temporarily absent from Great Britain to attend a job interview, provided they notify Jobcentre Plus about the interview before they go.

52. A week in this case is a period of 7 consecutive days which starts on the day they go abroad.

53. They are also treated as ASE for a maximum of one week on each occasion that they are temporarily absent from Great Britain for at least 3 days to attend a job interview. A week in this case is a benefit week.

54. Claimants who are temporarily absent from Great Britain, to attend a job interview, for less than 3 days in a week must take some additional steps to ASE in that benefit week, unless taking only one step was all that was reasonable for them to do in that week.

55. If the claimant is absent from Great Britain to attend an interview on a day when they are expected to attend a Jobcentre, attendance can be excused provided they inform the office on or before the time they are due to attend

56. If the claimant is attending an interview abroad:

Step	Action
1	ask them to complete form JSA460 with: <ul style="list-style-type: none">• the dates they will be absent from Great Britain; and• details of the job interview they are attending;
2	send the completed form to the BDC who will input dialogue JA091: Maintain Claim Details to JSAPS;
3	on the LMS 'Client Conversations' screen record details of: <ul style="list-style-type: none">• the absence;• the job interview; and• the period to be treated as available..
4	on form ES673: <ul style="list-style-type: none">• tick box C; and• enter the dates of the treated as available period;
5	attach the form to the front of the LMU. Payment of JSA will be made automatically without the need to confirm attendance;
6	tell the claimant to attend on their next usual attendance day to avoid their claim being terminated.

57. Refer to the LMDM on failure to attend if notification is not received before departure.

58. Because it has not been pre arranged, an availability doubt will also need referring.

59. If the claimant is going to be away for more than a week or they have not got a pre-arranged job interview this provision does not apply.

Domestic Emergency

60. Claimants can be treated as available for employment for up to a week at a time, for a maximum of 4 times in a year, if one of the circumstances below arises;

- if there is a:

- death;
- serious illness; or
- accident of a close relative or close friend;
- if there is a funeral of a close relative or close friend;
- if the person has caring responsibilities and the person they are caring for dies;
- if there is any other domestic emergency affecting the claimant or a close relative or close friend.

Note: The periods can run consecutively if appropriate

61. A week in this case is a period of 7 consecutive days which starts on the day on which the emergency arises. The 7 day period may consist of a combination of the events listed above, for example the claimant's relative dies so they ask to be treated as available from the date of death but they also attend the relative's funeral in the same 7 day period.

62. Claimants are also treated as ASE in the circumstances described above provided they are treated as available for employment for at least 3 days in a week. A week in this case is a benefit week.

63. Claimants who are treated as available for employment for less than 3 days in a week in the circumstances described must take some steps to ASE in that benefit week.

64. The claimant can be excused attendance if the emergency arises on a day they are expected to attend; provided they inform the Jobcentre Plus on or before the time they are due to attend.

65. If a claimant reports a Domestic Emergency, having already been treated as available for the maximum number of 4 times in a year, it should be explained to them that they can not be treated as available during this period.

66. Unless the claimant is willing to be available and actively seeking working, despite the Domestic Emergency, the details of the availability doubt should be referred to the LMDM.

67. See the Claimant reports a Domestic Emergency chapter of the Get Britain Working guidance further details regarding the actions to take when a claimant makes contact to notify a domestic emergency

Domestic Emergency - Claimants with caring responsibilities for a child

68. Under normal circumstances, a claimant can be treated as available and ASE when there is a domestic emergency for up to a week at a time, and for a maximum of 4 times in a year. See Domestic Emergency for further information.

69. For claimants with caring responsibilities for a child the period of one week can be extended to a maximum of 8 weeks for one of the periods in any 12 months where there is a:

- death or serious illness of a close relative or close friend;
- or a domestic emergency which arises in relation to the claimant, close relative or a close friend.

70. In these circumstances, the claimant is also treated as ASE during this period and can be excused from attending their Job Review. If the claimant needs more than 8 weeks, their adviser will need to consider if it would be more appropriate for them to claim another benefit.

71. As a result, there are potentially a total of 11 weeks throughout a 12 month period where a claimant with caring responsibilities for a child can be treated as available.

School Holidays

72. Where a claimant is looking after a child for whom she/he has caring responsibilities during the child's school holidays and it is unreasonable to expect for him/her to make other child care arrangements, for example the person is unable to obtain appropriate, affordable childcare, Advisers may treat claimants faced with these difficulties as being available for work and can be excused from attending their Jobsearch Reviews during this period.

73. The claimant would be expected to make reasonable efforts to locate suitable child care.

Parenting order/contract or child excluded from school

74. Claimants who have additional caring responsibilities for a child will be considered as having good cause for not attending the office if they have:

- an outstanding parenting order in England, Wales & Scotland;
- a parenting contract in England and Wales; or
- the child has been excluded from school.

75. In these circumstances, where the claimant is required to care for a child, Advisers will consider treating the claimant as available for work to safeguard the claimant from being disallowed JSA and attendance can be excused for this period.

76. See Example 13

Victims of Domestic Violence and Abuse

77. The Jobseeker's Allowance (Domestic Violence) (Amendment) Regulations 2012 come into force on 23 April 2012. From this date, claimants can be treated as available for employment for up to 13 weeks, on one occasion in any 12 month period, in prescribed circumstances, where they have been a victim of domestic violence and abuse.

78. Claimants should be treated as ASE during any period in which they are treated as available for employment due to being a victim domestic violence and abuse.

79. See the Victims of Domestic Violence and Abuse chapter of the Get Britain Working guidance for further details regarding domestic violence and abuse, the definition of domestic violence and abuse and the actions to take when a claimant notifies that they have been subjected to domestic violence and abuse.

80. A JSA claimant will be treated as available for and ASE for an initial period of 4 weeks if they notify Jobcentre Plus in the 'required way' that they have been subject to actual or threatened domestic violence and abuse by the claimant's current or former partner, or certain family members of the claimant their partner or former partner, within the previous 26 weeks. However, the person who inflicted or threatened the violence and abuse must not be living at the same address as the claimant at the time of the notification.

81. A claimant will be considered to have provided notification in the 'required way' when they state that they have been the victim of domestic violence and abuse in a face-to-face interview with an adviser.

82. If a claimant notifies Jobcentre Plus that they have been the victim of domestic violence and abuse at any other time, ie during a jobsearch review or first contact, this notification will not usually be classed as being provided in the 'required way', the claimant must be referred for an urgent adviser interview. However, if the claimant notifies Jobcentre Plus verbally within the 26 week time limit but cannot be booked an adviser interview until after the end of the 26 week time limit, then the verbal notification can be treated as being provided in the 'required way'.

83. If the claimant provides written evidence from a person acting in an official capacity during the initial 4 week period which confirms that:

- the claimant has made contact with the person providing the evidence in connection with a threat or incident of domestic violence and abuse that is covered by the exemption and which occurred during the 26 weeks immediately before the claimants notification to Jobcentre Plus; or
- the claimant's circumstances are consistent with them having been a victim of threatened or actual domestic violence during the 26 weeks before the claimant's notification to Jobcentre Plus.

then they can be treated as available and ASE for a total of 13 weeks from the date of notification in the required way.

84. A person "acting in an official capacity" means a health care professional, a police officer, a registered social worker, the claimant's employer or a representative of their trade union or any public, voluntary or charitable body which has had direct contact with the claimant in connection with domestic violence and abuse.

85. A week in this case is a period of 7 consecutive days which starts on the day on which the claimant notifies us in the required way that they have been subject to domestic violence and abuse.

86. If the claimant does not provide the required written evidence within the initial 4 week period then they cannot be treated as available or ASE for the full 13 week period from date of notification. However, those claimants who do not provide the required evidence may still be treated as available and ASE due to a domestic emergency if the domestic emergency provisions apply.

87. A claimant can only be treated as available and ASE under the domestic violence and abuse exemption once within any 12 month period.

88. If a claimant reports that they have been a victim of domestic violence and abuse having already been treated as available for employment as a victim within the previous 12 months, consider whether the claimant can be treated as available and ASE using one of the other provisions (for example due to a domestic emergency). Unless the claimant can be treated as available and ASE using one of the other provisions they must meet all of the JSA labour market conditions in order to continue claiming JSA.

89. Details of any availability and/or ASE doubt should be referred to the LMDM for consideration.

90. A claimant should be excused attendance during any period that they are treated as available for employment due to being a victim of domestic violence and abuse.

Changes of circumstances

91. Regardless of any changes of circumstances, once the claimant is treated as available and ASE due to being a victim of domestic violence and abuse, the exemption will continue to run for the initial 4 week period, and then, if they provide the required written evidence, for a further 9 week period (totalling 13 weeks).

92. However, after the initial 4 week easement period, a claimant may decide that their situation has improved to such an extent that they want to return to full JSA conditionality or leave JSA. In these cases a claimant can choose to suspend any remaining period of the 13 week.

93. If a claimant decides to suspend the availability easement, they can choose to restart it at any time within 12 months. However, the balance of the 13 weeks cannot continue beyond 12 months of the initial notification to us.

Employment related course

94. Claimants who are participating as a full time student in an employment related course can be treated as available and ASE for a maximum of **up to 2 weeks and one such course** in any period of 12 months. e.g. if claimant attends a course lasting 3 days, they **do not** have another 11 days banked to use within the 12 months. They can attend one course, up to two weeks within the 12 month period.

95. A week in this case is a period of 7 consecutive days starting on the first day of the course. Attendance on the course must be agreed with an adviser before they start the course.

96. Jobcentre Plus employment or training programmes are not employment related courses.

97. If a claimant wishes to participate full-time in a longer employment-related course, eg 4 weeks, they can only be treated as available and ASE for the first 2 weeks. For the remainder of the course they will be a full-time student and therefore cannot be treated as available for work.

98. An employment related course is a course which will help a claimant acquire or enhance the skills needed for:

- employment; and/or
- seeking employment; and/or
- a particular occupation, for example:
 - deep-sea diving course;
 - large goods vehicle driving course; or
 - a period of trial before employment begins.

99. For a course to be accepted as 'employment related' it is not necessary for it to be the type of work that is recorded on the claimant's JSAG but it must improve their chances of getting a job. A CV writing course would be regarded as employment related if it improved the claimant's employability.

100. See Example 5.

101. If the claimant is participating as a full time student in an employment related course:

Step	Action
1	ask the claimant to complete form JSA460 with: <ul style="list-style-type: none">• the details of the course;

	<ul style="list-style-type: none"> • dates of attendance; and • the name of the course;
2	check whether they have been treated as available on an earlier occasion to attend an employment related course;
3	if not, record the details on LMS Client 'Client Conversations' screen and form ES675.

102. The claimant can be excused attendance if they are participating as a full time student in an employment related course on the day they are expected to attend:

Step	Action
1	on form ES673: <ul style="list-style-type: none"> • tick box 'E'; and • enter the period of attendance on the course;
2	attach the form to the LMU to show attendance has been excused;
3	pass details to the BDC to input dialogue JA091: Maintain Claim Details;
4	payment of JSA will be made automatically without the need to confirm attendance;
5	tell the claimant to attend on their next usual attendance day to avoid their claim being terminated.

103. Refer any doubt to the LMDM.

Work Camps

104. A work camp is any place in Great Britain where people, supported by a charity or local authority or a voluntary organisation, provide a service to benefit the community or the environment.

105. Claimants can be treated as available for a maximum of 2 weeks in any year in which they are attending a residential work camp. They may only be treated as available when attending a work camp once in a year. A week in this case is a period of 7 consecutive days which start on the first day of attendance.

106. They are also treated as ASE for a maximum of 2 weeks in any year in which they are attending a residential work camp for at least 3 days a week. A week in this case is a benefit week.

107. Claimants who are attending for less than 3 days in a week must take some steps to ASE in that benefit week, unless taking one step was all that was reasonable for them to take.

108. If the claimant is attending the work camp on a day when they are expected to attend the Jobcentre, they can be excused provided they inform the office on or before the time they are due to attend.

Step	Action
1	ask the claimant to complete form JSA460 with details of: <ul style="list-style-type: none"> • the residential work camp; • the address; and • the dates of attendance;
2	check whether they have been treated as available for the same reason in the year;

3	If they have not send the form JSA460 to the BDC who will input dialogue JA091: Maintain Claim Details to JSAPS
4	payment of JSA will be made automatically without the need to confirm attendance
5	on form ES673: <ul style="list-style-type: none"> • tick box 'F'; and enter the dates of attendance at the work camp;
6	Attach the ES673 to the front of the LMU to prevent the claim being terminated
7	record details of the work camp including dates on LMS 'Client Conversations' screen.
8	tell the claimant to attend on their next usual attendance day to avoid their claim being terminated

109. If the claimant cannot be treated as available or treated as ASE, refer any doubts to the LMDM.

Venture Trust in Scotland

110. If a programme is provided under an agreement between the Scottish Ministers and the Venture Trust, claimants can be treated as available and ASE.

111. Claimants are treated as available for a maximum of 4 weeks in any year in which they are attending a residential work camp. They may only be treated as available when attending once in a year. A week in this case is a period of 7 consecutive days which start on the first day of attendance.

112. They are also treated as ASE for a maximum of 4 weeks in any year in which they are attending a residential work camp for at least 3 days a week. A week in this case is a benefit week.

113. Claimants who are attending for less than 3 days in a week must take some steps to actively seek employment in that benefit week, unless taking one step was all that was reasonable for them to take.

114. If the claimant is attending the Venture Trust on a day when they are expected to attend the Jobcentre, they can be excused provided they inform the office on or before the time they are due to attend.

Step	Action
1	ask the claimant to complete form JSA460 with details of: <ul style="list-style-type: none"> • the Venture Trust programme; • the address; and • the dates of attendance;
2	check whether they have been treated as available and actively seeking for the same reason in the year;
3	If they have not, send the form JSA460 to the BDC who will input dialogue JA091: Maintain Claim Details to JSAPS to record the temporary period of unavailability
4	payment of JSA will be made automatically without the need to confirm attendance
5	on form ES673: <ul style="list-style-type: none"> • tick box 'F'; and

	<ul style="list-style-type: none"> enter the dates of attendance at the work camp;
6	Attach the ES673 to the front of the LMU to prevent the claim being terminated
7	record details of the work camp including dates on LMS 'Client Conversations' screen.
8	tell the claimant to attend on their next usual attendance day to avoid their claim being terminated

115. If the claimant cannot be treated as available or treated as ASE refer any doubts to the LMDM.

Temporary periods of sickness

116. The action to take when a claimant declares a temporary period of sickness depends upon whether or not they provide a Statement of Fitness for Work (medical statement), which is also called a medical certificate, doctor's statement, a fit note or a sick note:

- Claimant does not provide a Statement of Fitness for Work
- Claimant provides a Statement of Fitness for Work

Claimant does not provide a Statement of Fitness for Work

117. Claimants can be treated as available and ASE for short periods of sickness once they have become entitled to JSA. If the claimant is not entitled to JSA and is claiming credits only they may be entitled to IB/ESA.

118. A claimant can declare two short periods of sickness, without their entitlement to JSA being affected, in:

- any Jobseeking Period (JSP); **or**
- within each successive 12 month period if the JSP lasts for longer than 12 months.

119. **For example;**

- Claimant makes a claim/ begins a JSP 01/01/2012. The end of the first 12 months JSP will therefore be 31/12/2012
- Start of 2nd JSP will be 01/01/2013, end of 2nd JSP will be 31/12/2013
- Claimant declares sickness periods April 2012, October 2012 & Feb 2013
- In this example even though the three periods of sickness are within 12 months of each other, the 3rd period falls into the 2nd 12 month JSP and therefore their JSA is unaffected.

120. Each period of sickness must not exceed 14 days and must not fall within eight weeks of an earlier claim to Statutory Sickness Pay (SSP).

121. Unless they are a member of a joint claim and can be granted an exemption, a claimant cannot remain on JSA, if:

- They have had a period of temporary sickness on two occasions in any JSP or in the last 12 months if the JSP lasts longer than 12 months; or
- The period of sickness exceeds 14 days; or
- They have had a claim to SSP in the previous eight weeks.

In these circumstances the claimant must be advised to make a claim to ESA.

Claimant notifies sickness

122. Claimants may:

- notify, on or before their day of attendance, that they are ill and cannot attend;
- ask someone else to notify their sickness, on or before their day of attendance;
- attend their Jobsearch review and state they have been ill and unable to ASE; or
- fail to attend and declare sickness as the reason for their failure.

Claimant notifies sickness on or before their attendance day

123. If the claimant makes contact on or before their day of attendance and states that they will not be able to attend due to sickness, ask them how long the sickness is likely to last.

124. Issue a form JSA28 and warn the claimant that payment for the period which, includes the days of sickness, cannot be made until the form has been returned and considered. The return by date on the JSA28 should be the 14th day after the period of sickness began.

Third party notifies claimant is sick and unable to attend

125. There may be times when the claimant cannot tell anyone about their sickness in person, and may ask someone to do it on their behalf either in person or by telephone.

126. If a third party makes contact on or before the claimants' normal day of attendance and states that they will not be able to attend due to sickness, issue form JSA28 for completion by the claimant. The return by date on the JSA28 should be the 14th day after the period of sickness began.

Claimant attends at their usual time and declares sickness

127. A claimant may attend at their usual time but say they have not been ASE because they were sick.

128. The claimant must complete form JSA28, and consideration should be given as to whether the period of sickness would reduce the steps needed to satisfy the ASE condition.

Claimant declares sickness as the reason for Failing to Attend

129. If the claimant states that they failed to attend (FTA) due to sickness, issue form JSA28.

130. A decision from the LMDM on whether the claimant had good cause will not be necessary for the day that they FTA providing that the claimant can be treated as available.

131. In all cases the claimant must be warned that payment for the period which includes the days of sickness cannot be made until the completed form has been returned and the reasons for FTA have been considered.

132. See the Fail to Attend Interviews and Jobsearch Reviews chapter for further information.

Action to take on receipt of the completed JSA28

133. Once form JSA28 has been issued to the claimant it should be completed and returned as soon as possible to avoid delay in payment.

134. On receipt of the completed form JSA28 check:

- the dates of sickness ;

- whether the claimant has had a prior claim to SSP within eight weeks of the first date of sickness declared;
 - whether the period of sickness is for 14 days or less;
 - whether the claimant has declared any previous periods of sickness in the JSP or last 12 months;
 - that the claimant has given specific information about their illness, saying 'not well' or 'ill' is not sufficient.
135. Record the following in LMS Conversations:
- the start date of the sickness;
 - the end date of the sickness if known; and
 - any details given about the sickness

Claimant can be treated as capable of work

136. If the claimant is declaring their **first or second period of sickness**, and the Jobcentre can treat the period as straightforward, they should input dialogue JA470 into JSAPS to pay the claimant, and then send the completed JSA28 to the BDC.

137. Form ES673 should be completed and attached to the LMU, if this has not already been done, to show the claimant has been treated as available and ASE.

138. The claimant can be excused attendance if they notify sickness on or before their attendance day.

BDC record that claimant can be treated as capable of work

139. When it has been established that there are no reasons to prevent the claimant from being treated as capable, the BDC will input details of the temporary period of sickness to JSAPS using dialogue JA091: Maintain Claim Details.

Claimant cannot be treated as capable of work

140. A claimant will not be able to remain on JSA if:
- they have already had a period of temporary sickness on two occasions in the current jobseeking period or within each successive 12 months if the JSP lasts for longer than 12 months; **or**
 - their period of sickness exceeds 14 days; **or**
 - they have had a claim to SSP in the previous 8 weeks.

In these circumstances the claimant must be advised to make a claim to ESA.

141. If the claimant insists on continuing to claim JSA even when it is clear that they cannot do so, details must be passed to the BDC who will consider disallowing the award on capability and terminate the claim.

No end date of sickness on JSA28

142. If the JSA28 shows the date from which the claimant became ill, but does not include an end date, send it to the BDC in the usual way.

143. The BDC will set a case control for the end of the 14 day period and will check if the claimant is still sick or establish an end date after this time.

Sickness in a backdated claim period

144. If a claimant makes a backdated claim and gives the reason for the delay in claiming as sickness, a JSA28 can only be issued in certain circumstances.

145. Temporary period of sickness procedures can only be used once an award of JSA has been made. Only issue a JSA28 with the JSA5, if the period of sickness is for the latter part of the backdated claim period and refer for consideration of capability.

146. If sickness is given as the only reason for backdating the claim do not issue form JSA28, as there cannot be an award of JSA made before the period of sickness.

See example 8 and example 9.

Availability and Actively Seeking Employment

147. When a period of sickness is declared and it is clear that JSA28 procedures apply, the claimant can be treated as available for the period of sickness.

148. The claimant can also be treated as ASE where the period of sickness is for 3 days or more in the week. However, where a claimant reports a period of sickness of less than 3 days, consideration will need to be given to whether or not they satisfied the conditions for the remainder of that benefit week.

149. If an availability doubt has already been referred to the LMDM or is identified and subsequently the claimant declares that they are sick, the underlying doubt still needs to be considered. The LMDM will need to be notified of the temporary period of sickness dates.

150. The period of sickness should be taken into account when considering ASE. The claimant may have taken fewer steps to seek work if they have been ill for part of the fortnight.

See example 10.

Advance use of JSA28 procedures

151. JSA28 procedures should not be used in circumstances where a claimant states they are going to be unable to work at a future time, for example when a claimant declares that they have a date to go into hospital for a few days and will not be looking for work.

152. They should be told to wait until they know the exact dates they will be in hospital. This is because it is possible the period of incapacity may last longer than anticipated.

Claimant provides a Statement of Fitness for Work

153. From early July an electronic version of the Statement of Fitness for Work may be received in offices. Both the handwritten and electronic versions of the form are acceptable.

Claimant provides a Statement of Fitness for Work but they are not fit for work

154. If a claimant provides a Statement of Fitness for Work (medical statement) and their Doctor has ticked "you are not fit for work", they can be treated as capable, available and ASE.

155. The claimant can declare two short periods of sickness, without their entitlement to JSA being affected, in exactly the same way as a claimant that does not provide a Statement of Fitness for Work.

156. However, each period of sickness must not exceed 14 days and must not fall within 8 weeks of an earlier claim to Statutory Sickness Pay (SSP)

157. See claimant does not provide a Statement of Fitness for Work for further information

Claimant provides a Statement of Fitness for Work and they may be fit for work

158. If a claimant provides a Statement of Fitness for Work (medical statement) and their Doctor has ticked “you may be fit for work taking into account the following advice”, they do not need to be treated as available and ASE or claim an alternative benefit.

159. Consider the claimant’s availability and any restrictions which may be appropriate in light of the Doctor’s comments. If the JSAG needs to be reviewed or amended, arrange an adviser interview.

160. Claimants can restrict their availability because of a physical or mental condition; see Restrictions because of physical or mental condition for further information.

Absence abroad accompanying partner who receives a pension or disability premium

161. Claimants can be treated as available for a maximum of 4 weeks at a time where;

- they are one of a couple, by couple we mean:
 - a man and a woman who are married to each other and members of the same household,
 - a man and a woman who are not married to each other but are living together as husband and wife,
 - two people of the same sex who are civil partners of each other and members of the same household, or
 - two people of the same sex who are not civil partners of each other but are living together as if they were civil partners;
- both are absent from Great Britain; and
- one of the following is payable in respect of the claimant ‘s partner;
 - any type of pensioner premium;
 - a disability premium;
 - a severe disability premium.

They are also treated as being in Great Britain.

162. A week for availability purposes is a period of 7 consecutive days starting on the day the claimant goes abroad.

163. Claimants are also treated as actively seeking employment for a maximum of 4 weeks at a time if they meet the conditions described above for at least 3 days a week. A week in this case is a benefit week.

164. In these cases:

Step	Action
1	ask the claimant to complete form JSA460 with details of the

	absence abroad including: <ul style="list-style-type: none"> • Dates; • details of the premium payable; and • the name of the claimant's partner;
2	send the JSA460 to the BDC who will input dialogue JA091: Maintain Claim Details to JSAPS;
	payment of JSA will be made automatically without the need to confirm attendance
3	treat the claimant as available and record the details on the LMS 'Client Conversations' screen;
4	complete form ES673 by: <ul style="list-style-type: none"> • ticking box 'J'; and • entering the dates of the absence abroad;
5	attach the ES673 to the front of the LMU.

165. Tell the claimant when they will next be required to attend after their period abroad and explain that if they are unable to attend they should let Jobcentre Plus know to avoid their claim being terminated.

Person who normally looks after a child is unavailable

166. Claimants can be treated as available for a maximum of 8 weeks at a time, for as many times as they need in a year, if they are temporarily looking after a child full time because the person who normally looks after the child is:

- ill;
- temporarily absent from home overnight; or
- looking after a member of the family who is ill.

167. A week in this case is 7 consecutive days starting on the day on which they start looking after the child because the normal carer is unavailable.

168. Claimants can also be treated as ASE for a maximum of 8 weeks on each occasion they are temporarily looking after a child full time for at least 3 days a week. A week in this case is a benefit week.

169. If they are looking after the child full time for less than 3 days in a week they must take some steps to actively seek employment in that benefit week.

170. In these cases:

Step	Action
1	ask the claimant to complete form JSA460 with details of: <ul style="list-style-type: none"> • their temporary caring responsibilities; • dates; • the name of the person who normally looks after the child; and • the reason they are unable to do so;
2	check whether the claimant has had previous periods where they have been treated as available for this reason;
3	send the JSA460 to the BDC who will input dialogue JA091: Maintain Claim Details to JSAPS and payment of JSA will be made automatically without the need to confirm attendance;
4	complete form ES673 by: <ul style="list-style-type: none"> • ticking box 'G'; and • entering the dates;

5	attach the ES673 to the front of the LMU to show attendance is excused;
6	tell the claimant when they will next be required to attend after the period they are treated as available and explain that if they are unable to attend they should let Jobcentre Plus know to avoid their claim being terminated.

171. Although, there is no limit to the number of occasions a claimant can be treated as available in any year, careful consideration needs to be given to whether the situation is temporary, that is lasting up to 8 weeks, or whether it is an on going situation for which other action is necessary. For example, has the claimant become the long term carer?

172. Once they have been treated as available and ASE for 8 weeks they must have a break of at least one day from looking after the child full time before they can be treated as available for this reason again.

173. They must also satisfy the ASE condition for one week before they can be treated as ASE for this reason.

The person who normally looks after the child is temporarily absent from the United Kingdom

174. A claimant, who is one of a couple, can be treated as available for a maximum of 8 weeks at a time, for as many times as they need, if they are temporarily looking after their child because their partner who normally looks after their child is temporarily absent from the United Kingdom.

175. The United Kingdom includes Great Britain and Northern Ireland. It does not include the Channel Islands.

176. A week in this case is 7 consecutive days starting from the day on which the claimant starts to look after the child because of the normal carer's absence.

177. Claimants can also be treated as ASE for a maximum of 8 weeks on each occasion that they are temporarily looking after their child, for at least 3 days a week.

178. If they are looking after the child for less than 3 days they must take some steps to ASE in that week.

179. An absence of less than 52 weeks can be treated as a temporary absence.

180. In these cases:

Step	Action
1	ask the claimant to complete form JSA460 with: <ul style="list-style-type: none"> the details of their caring responsibilities; the name of their partner; and the dates they will be absent;
2	pass the JSA460 to the BDC who will input dialogue JA091: Maintain Claim Details;
3	record details of the claimant's temporary caring responsibilities on LMS 'Client Conversations' screen;
4	if the claimant can be treated as available they can also be excused attendance. Complete ES673 by: <ul style="list-style-type: none"> ticking box 'K'; and

	<ul style="list-style-type: none"> entering the dates to be treated as available;
5	attach the ES673 to the front of the LMU to show attendance is excused;
6	tell the claimant when they are next required to attend. Explain that if they cannot attend they must contact Jobcentre Plus to avoid their claim being terminated.

181. If the claimant has already been treated as available and ASE for 8 weeks on one occasion because they are temporarily looking after their child they must;

- have a break of at least one day from looking after their child before they can be treated as available for this reason again; and
- satisfy the actively seeking employment requirement for one week before they can be treated as ASE for this reason again.

Claimant is taking a child abroad for medical treatment

182. Claimants can be treated as available for a maximum of 8 weeks at a time for as many times as they need, during which they are absent from Great Britain because they are taking a child or young person, who is a member of their family, abroad for medical treatment.

183. Treatment means treatment for a disease or bodily or mental disablement by, or under the supervision of, a person qualified to provide medical treatment, physiotherapy or similar treatment.

184. A week in this case is a period of 7 consecutive days which starts on the day the claimant goes abroad.

185. A young person for these purposes is a person aged under 16 for whom the claimant (or partner in the case of a couple) are entitled to and receiving Child benefit.

186. Claimants can also be treated as ASE for a maximum of 8 weeks on each occasion when they are absent in these circumstances for at least 3 days a week. A week in this case is a benefit week.

187. If the absence is for less than 3 days in a week they must take some steps to ASE in that week.

188. In these cases:

Step	Action
1	ask the claimant to complete form JSA460 with details of: <ul style="list-style-type: none"> their absence from Great Britain; the country they are going to; the dates of absence; the name of the child or young person receiving treatment; and the nature of the treatment;
2	pass the JSA460 to the BDC who will input dialogue JA091: Maintain Claim Details;
3	record the details of the claimant's absence on the LMS 'Client Conversations' screen;
4	complete form ES673 by: <ul style="list-style-type: none"> ticking box 'H(2)'; and entering the dates;

5	attach ES673 to the front of the LMU;
6	tell the claimant on what date they will next be expected to attend. Explain that if they do not do so their claim may be terminated;

189. Payment of JSA will be made automatically without the need to confirm attendance once the method of payment has been set up.

190. If the claimant has already been treated as available and treated as ASE for 8 weeks to take a child or young person abroad for treatment they must;

- return to Great Britain for at least one day before they can be treated as available again for the same reason;
- satisfy the ASE condition for one week before they can be treated as actively seeking employment for the same reason again.

Ex-Incapacity Benefit and Employment Support Allowance Claimants

191. Claimant's whose Incapacity Benefit (IB) or Employment Support Allowance (ESA) has ceased, can be treated as ASE for any period between the last date IB/ESA was paid and the date of claim for JSA. This is provided;

- they are available, or treated as available, on the day they claim JSA; and
- the time limit for claiming has been extended.

192. The Claims and Payments Regulations allow the time limit for claiming to be extended for a maximum of a month, when the cause of the delay is the late notification, of the end of IB/ESA.

193. This provision helps those claimants whose IB/ ESA ceased but who are not aware that they need to claim JSA. This is usually because of a delay in the notification, of IB/ESA terminating, being received.

194. They would also be unlikely to satisfy the availability and ASE conditions, as they do not know they are no longer on IB/ESA

Action to take

195. Ask the claimant to complete Form JSA5, if this information was not gathered by CMS, for any period between the IB/ESA ending and the date of the claim for JSA. It should be clearly noted 'Ex Incapacity Benefit/ESA' in the 'Reason' box for the period in doubt before sending it to the BDC. Mark the JSA5 as 'doubtful'.

196. If the BDC allow the backdating request they will notify the Jobcentre that the claim has been accepted and the claimant can be treated as available and ASE.

197. Make a note of the completion, the referral and the reason for referral of the JSA5 on LMS Conversations.

198. If they do not accept the backdated claim refer the Labour Market doubt to the LMDM for an opinion for credits purposes.

199. If the claimant is not available for any reason on the treat as made date, or cannot be treated as available for any of the reasons stated earlier in this section, refer to the LMDM as the claimant cannot be treated as available under this provision.

National Health Treatment Abroad

200. From 4 October 2004 claimants can receive National Health Treatment abroad and remain in receipt of JSA.

201. When a claimant states they are going abroad for NHS funded treatment they should complete JSA460 and provide supporting medical evidence for the whole of the absence from GB.

202. To continue to receive JSA they must have satisfied in full the conditions of entitlement immediately before beginning the temporary absence.

203. Claimants need to provide a contact name, address and phone number for our use during their absence. In return they must be given a named contact in the office to notify any further changes.

204. Advise the claimant that any further changes in circumstance must be notified as soon as possible. For JSA(C) claimants check whether the date of exhaustion is during the period of absence and issue the appropriate claim form for JSA(IB) so the claim can be processed at the earliest opportunity.

205. Inform the claimant they will need to contact us immediately they return to GB so we can establish the most appropriate benefit for them.

206. Record the absence on LMS conversations and JSAPS notepad and complete ES673JP and attach to the LMU.

Claimant attending court or tribunal

207. If a claimant is required to attend a court or tribunal for any reason, for example jury service, as a defendant or as a witness, they can be treated as available and ASE for up to 8 weeks from the first date of attendance in court.

208. They will still have the option of claiming Income Support and closing their JSA claim or claiming for any loss of benefit from the court (JSA(C) only). They would only be expected to take this course of action if the court had advised them that their involvement in the proceedings would last longer than 8 weeks.

209. Ask the claimant for proof of the court/tribunal attendance. If they have no evidence immediately available explain that we need to see some evidence before we can treat them as available and ASE.

210. Explain that we can treat them as available and actively seeking employment for up to 8 weeks and ask whether they want to continue receiving JSA or close their claim and claim IS or from the court. If they close their claim they will need to make a new claim as soon as the court/tribunal proceedings have ended. They will also need to make an application for National Insurance Contribution Credits for the time they were in court/tribunal.

211. Keep a record of the claimant's choice with a copy of the evidence provided of the court/tribunal attendance. In all cases remind the claimant that they must attend the Jobcentre as soon as they are no longer required by the court/tribunal.

Claimant wishes to continue claiming JSA

212. If they wish to continue with their claim for JSA, complete form ES673JP, indicating in the relevant box the reason they are being treated as

available and actively seeking employment, and attach to the LMU to avoid the claim being closed as failed to attend.

213. Notify the BDC that the claimant is being treated as available and ASE so that payments can be made.

Claimant wishes to close their JSA claim

214. If the claimant decides to terminate their claim, ask them to complete their ES40, input dialogue JA099 using code 17 to close the claim. Remind the claimant of the need to make a new claim for JSA if they are still unemployed after their court/tribunal attendance.

Joint Claims

215. If a member of a joint claim is required to attend court/tribunal, they can apply for an exemption if they wish using existing guidance in the Joint Claims Exemption Guide. However, if a member of a joint claim is already exempt, the other partner must be treated as available and actively seeking employment for a maximum of 8 weeks. Only one member of a joint claim can be exempt at any one time.

216. New Deal provision can be suspended during the court/tribunal attendance and reinstated when proceedings have ended.

Detained in Custody

217. JSA regulations allow claimants who are detained in police custody for 96 hours or less and then released, to be treated as available and ASE.

218. If the claimant is not released, for example they are remanded in custody or imprisoned, then they cannot be treated as available and ASE for the period in police custody.

219. When a claimant attends and states they were unable to attend their normal attendance or an advisory interview because they were detained in custody ask them to complete a statement giving the dates and times when they were taken into custody and released.

220. Make sure the claimant was available and ASE for any periods outside the time in custody. Check they were in custody for 96 hours or less.

221. Ask the claimant to sign their fortnightly declaration and arrange payment

222. If the claimant was detained in police custody for more than 96 hours their availability will be in doubt as they can only be treated as available and actively seeking employment for the first 96 hours.

223. If the claimants states they were released from police custody on the day they were due to attend the Jobcentre but still failed to attend, they should not be treated as available and ASE. This is because they were able to attend on the assigned day and failed to do so. Take action to refer to the LMDM on an availability or ASE doubt.

Payday and Periodicity

224. From the introduction of Payday and Periodicity it is possible that the Claimant's benefit week ending day (BWE) may not be the same as the day they attend the Jobcentre.

225. If the claimant notifies a change of circumstance for any of the reasons above and they are due to attend on a day after their BWE, careful consideration needs to be given to what period they need to be treated as available/ASE for:

Step	Action
1	Identify the first date the claimant needs to be treated as available/actively seeking employment and which BWE it falls into. Take a statement in the usual way
2	Complete ES673 as appropriate if the treat as available period is ongoing. If the period is in a period due for payment but before the day of attendance ES673 is not required.
3	Check the claimant's availability and actively seeking employment activity up to the BWE date for which payment is due: <ul style="list-style-type: none"> ○ If no doubts arise, arrange for payment to be made up to the BWE. ○ If there is a doubt, refer the case to a LMDM for a decision.
4	Tell the claimant they should attend as normal on their next attendance day.

226. See example 14

Examples

Example 1

- a claimant with no pattern of availability has a domestic emergency that lasts three days;
- they are treated as available for 3x8 hours = 24 hours and would be required to be available for a balance of 40-24= 16 hours in the week.

Example 2

- the claimant makes a claim on Friday and is given a week ending Tuesday;
- a JSaG is agreed and signed by the claimant and adviser;
- the claimant has agreed to apply for at least three jobs and read two local papers each week;
- as the week in question is only 5 days it would be reasonable to expect him to do most but not all of the agreed steps.

Example 3

- the claimant makes a claim on Friday 19 July and asks to backdate it to 15 July;
- they are given a week ending of Wednesday;
- although the claimant is available from Friday 19 July they were not available in accordance with their JSaG during the backdated claim period;
- the period in doubt to be referred to the LMDM is Monday 15 July to Wednesday 24 July.

Example 4

- a claimant is released from prison on Tuesday 11 June and makes a claim from the same date;
- they are allocated a week ending Friday;
- they can be treated as available for 7 days from their date of discharge, which will be from Tuesday 11 June to Monday 17 June ;
- they can also be treated as actively seeking employment until 21 June because they have been treated as available for at least one day in the benefit week ending 21 June.

Example 5

- a claimant who usually works as a builders labourer decides to take part in a health and safety training course for one week;
- while it is not essential to have any health and safety qualifications to work as a labourer, it would enhance his employability and open up new opportunities.

Example 6

- the claimant telephones the Jobcentre/Jobcentre Plus office on the day before they are due to attend a fortnightly review;
- they say they will not be able to attend because they have flu;
- they have not declared a previous period of sickness and say they will be well again in a couple of days;
- a form JSA28 can be issued by post and must be returned as soon as possible;
- form ES673 is completed and attached to the LMU until the claimant next attends;
- failed to attend action is not taken if attendance is excused.

Example 7

- the claimant's partner phones because the claimant has a sore throat and has lost his voice;
- she says he will not be able to attend his Restart interview that afternoon;
- he has not declared any previous periods of sickness and will be able to attend within 5 days;
- a new appointment for his interview is arranged as usual on his next attendance day;
- form JSA28 can be sent by post.

Example 8

- the claimant attends a New Jobseeker Interview;
- he wishes to backdate his claim because he was ill the week before;
- when questioned he states that he was only ill for the last three days of the week in the backdated period and for the other days he was attending interviews;
- form JSA5 is issued with a form JSA28 and both are referred for decisions.

Example 9

- the claimant completes JSA5 to backdate their claim;
- the reason given for the delay is that they were in hospital for the whole period;
- JSA28 action is not appropriate; and
- JSA5 is sent to the BDC as usual.

Example 10

- a claimant attends on their usual day but states that they have been sick for four days in the last fortnight;
- JSA28 is issued for that period and the claimant is treated as available and actively seeking employment;
- he is asked what steps he has taken to find work on the remaining days in the period;
- he states that he has not been able to visit the Jobcentre but has read the newspapers and applied for two jobs;
- apart from visiting the Jobcentre the steps he has taken are in accordance with his Jobseeker's Agreement;
- taking the period of sickness into account no availability or actively seeking employment doubt needs to be raised.

Example 11

- the claimant attends the Jobcentre at their usual time but because they have sprained their wrist they have not been able to apply for jobs for the last four days;
- they have been told that the injury will heal within the next week;
- they have no previous record of sickness and because the incapacity will last only 11 days JSA28 procedures can be used;
- this will mean that the claimant can be treated as available and ASE for the period of the injury when they have been unable to look for work.

Example 12

- a claimant notifies the Jobcentre that his doctor has given him a Statement of Fitness for Work for 6 weeks because he has problems with his back;
- he has not contacted the Jobcentre until the day before he is due to attend but he saw the doctor the day after he last attended;
- he is advised that he could claim IB/IS but as he has not done so from the date on his Statement of Fitness for Work a JSA28 should be issued for the first 14 days of his period of sickness;
- had he contacted the Jobcentre immediately he could have claimed IB/IS earlier and JSA28 would not have been appropriate.

Example 13

- Liam, who has a six year old son Lennon, attends his Jobsearch Review appointment and expresses concerns as the school holidays are approaching. Liam has made enquiries about childcare for the school holidays but has been unsuccessful. As a result, he is unable to

come into the office during the school holidays for his Jobsearch Reviews.

- The Jobsearch Review officer completes ES673JP and books Liam an appointment with the PA to make a decision.
- Using knowledge of local childcare arrangements, the PA treats Liam as unavailable for the school holiday period and sets work flow to commence at the end of the school holidays to contact Liam reminding him to start coming into the office again.

Example 14

- The claimant is BWE Tuesday but attends on Thursday.
- He telephones on Wednesday to say he can't attend because he is ill.
- A JSA28 is issued to the claimant, a note is made of the reason they can't attend and an ES673 is completed and attached to the LMU.
- The claimant is asked about their availability and actively seeking employment up to the Tuesday BWE.
- As there are no doubts, the payment for the period ending Tuesday can be made.
- The JSA28 period of sickness will fall in the next fortnight ending Tuesday so it can be returned on the next attendance.