

DWP Central Freedom of Information Team

e-mail: freedom-of-information-rexxxxx@xxx.xxx.xxx.xx

Our Ref:Fol 3725/2011

20 December 2011

Dear Ms May

Thank you for your Freedom of Information request of 6 December 2011.

You requested the following information:

Can you provide internal information held that confirms that if a person aged 18 plus does not have such a "good cause" [(a) and (b) above] for ending a 2 to 8 week period on Work Experience before fully completing it, they will get a benefit withdrawal sanction, in accord with the regulations quoted above?

The guidance published for Jobcentre Plus advisory teams on Work Experience conditionality and sanctions is attached. This is in line with the amended JSA legislation for Work Experience in paragraph 7.7 of this document.

http://www.legislation.gov.uk/ukxi/2011/789/pdfs/ukxiem_20110789_en.pdf

Please provide copies of internal information or regulations that cover Work Experience for 16 and 17 years old, especially as they are not normally eligible for welfare benefits such as JSA or Income Support.

The guidance published that covers Work Experience for 16 and 17 year old JSA claimants is attached. 16 and 17 year old Work Experience participants are not subject to any Work Experience conditionality or sanction activity, even where they turn 18 during the placement.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Central Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwpgsi.gov.uk or by writing to DWP, Central Fol Team, 5th Floor The Adelphi, 1-11, John Adam Street, London WC2N 6HT. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk

Work Experience Conditionality and Sanctions: Excerpts from guidance

Claimant does not start Work Experience Placement

85. Once a JSA claimant aged over 18 agrees to participation in Work Experience and has received the written notification (in para 76), Work Experience becomes mandatory.

86. If the 18+ JSA claimant does not start, complete a [WE DMA 5](#) and refer to the Adviser to consider DMA action.

87. Participation in Work Experience is not mandatory for 16/17 year olds, even if they turn 18 during the placement.

Claimant does not complete Work Experience

101. Once an 18+ JSA claimant agrees to participation in Work Experience and has received the written notification (in para 76), Work Experience becomes mandatory.

102. If the 18+ JSA claimant leaves the Work Experience placement within the first probationary week, or the JSA claimant is age 16/17, then no DMA consideration is necessary.

103. If the 18+ JSA claimant is dismissed or leaves after the probationary week, ask the employer to complete [Work Experience DMA4](#). On receipt, complete a Work Experience DMA5 and refer to the Adviser to consider DMA action.

Sanctions

107. Work Experience sanctions will apply to JSA claimants aged over 18 who fail to comply with the terms of their placement for the following:

- a Claimant fails to start a Work Experience placement and cannot show good cause; or
- a Claimant FTA a Work Experience placement **after the 1st week**, and cannot show good cause; or
- a Claimant gave up a place on Work Experience early, **after the 1st week**, and cannot show good cause, or
- a Claimant lost the Work Experience place through misconduct.

108. A **2 week sanction** will apply when the claimant fails to comply for the first time in 12 months and a **4 week sanction** will apply when for a second or subsequent time in 12 months.

109. Previous sanctions imposed could also lead to a 4 week sanction being imposed for a first Work Experience offence.

Work Experience for 16/17 Year old JSA claimants: Excerpts from guidance

Work Experience for 16/17 Year Old JSA Claimants

26. Employers must be made aware of the additional employment and health and safety rules that apply to 16/17 year old workers as the same conditions also apply to Work Experience.

Workers aged 16 and 17: the rules

27. If workers are over the minimum school-leaving age but under 18, they must not work for more than eight hours a day or 40 hours a week. These hours worked cannot be averaged out and there is no opt-out available. If you employ anybody in this age group you must also give them:

- a break of 30 minutes every four-and-a-half hours worked
- a rest period of 12 hours between each working day
- two days off a week

28. Employers must agree to the above conditions prior to Jobcentre Plus referring a 16/17 year old and sign a revised WEP Agreement.

29. Young workers may not ordinarily work at night between 22.00 and 06.00.

30. Under-18s may be employed in certain dangerous environments only if it is necessary for their training, they are supervised and the risks are minimised.

31. Employers can find full details here www.businesslink.gov.uk .

Workers aged 16 and 17: Risk Assessments

32. Employers must carry out, or review, a risk assessment, paying attention to the health and safety implications of employing young people and considering their immaturity as well as their inexperience. The risk assessment will vary from employer to employer, so they should be signposted to the [HSE guidance](#)

33. There is no need for an employer to carry out a new risk assessment for every young person, as long as their current risk assessment takes account of the characteristics of young people and activities which present significant risks to their health and safety.

34. Employers can also consider developing generic risk assessments for young people, ideal for Work Experience placements.