

**Extracts from the adviser guidance (England) for sector-based work academies – extracts referring to discretion in referring claimants to the scheme. 10<sup>th</sup> January 2014.**

**Policy Intent**

1. sbwa (sector-based work academies ), were launched in England in August 2011 and are part of the package of Get Britain Working measures that can be used by Jobcentre Plus to help individuals into work.
2. sbwa are designed to support JSA and ESA (WRAG) customers who are close to the labour market but who have been unable to find work to move into sustained employment in a demand sector with the further aim of supporting employers in those sectors to fill their vacancies more efficiently.
3. sbwa are available to JSA and ESA(WRAG) claimants aged 18 or over from day 1 of their claim.
4. Detailed design of sbwa will not be fully prescribed from the centre but will last for a maximum of six weeks and will usually consist of:
  - pre-employment training (PET) of:
  - work experience placement (WEP); and
  - guaranteed job interview(GJI) with an employer in the sector or support with an employer's recruitment processes.
5. In exceptional circumstances where the employer is unable to offer a GJI due to their recruitment processes, the sbwa can consist of PET and WEP only. In these cases, support will have been built into the sbwa, to help the claimant with the employer's recruitment processes.
6. With the exception of the GJI, which cannot be held before the PET, the elements can run in any order or be blended depending upon employer needs.
7. Claimants will remain on benefit throughout the sbwa
8. It is expected that claimants will only complete one sbwa, however there may be occasions when a claimant re-engage or participate in a further sbwa.
9. The decision for a claimant to participate in a sbwa is voluntary (Jobseeker's Directions should not be used) but:
  - once a JSA claimant has been formally referred to the sbwa, participation in PET and GJI becomes mandatory (see note on exception to mandation to GJI)
  - All sbwa must contain a WEP and claimants should be encouraged to attend. Claimants will not be sanctioned for non-participation in WEP, however, JSA claimants will be told that they can be sanctioned if they fail to maintain basic standards of good behaviour at any time during their participation in sbwa, including the work experience element. It has been agreed with Ministers that, in respect of the WEP, it is only if the claimant loses the placement due to his/her gross misconduct that a sanction may be imposed. See guidance in DMG Memo 28/12.
  - once an ESA(WRAG) claimant has been referred to sbwa, participation in PET becomes mandatory. For ESA (WRAG) claimants, participation at the WEP and GJI is voluntary.
  - ESA (WRAG) claimants who are in receipt of National Insurance Credits only, lone parents responsible for a child under 5 and not yet at school or full-time carers cannot be mandated Work-Related Activity. All 3 elements of sbwa must remain on a voluntary basis for these claimants.

10. sbwa participants can undertake training of up to 30 hours a week. Those participating in training of 16-30 hours a week are not required to be actively seeking or available for work. However, policy intent is that claimants should still attend JR to show they are taking steps towards gaining employment. The rules for attending an Employment Related Course do not apply here which allows these claimants to do more than 2 weeks full-time training in any 52 weeks whilst participating in sbwa.

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

11. It is imperative that only suitable and eligible claimants are referred to a sbwa. Suitable claimants will:
- not have significant needs relating to numeracy, literacy or general employability skills.
  - be close to the labour market but would benefit from a short training intervention and a work experience placement to support them in finding work in a demand sector.
  - be interested in a role in the sector.
  - have the aptitude/suitability for the role/sector.
  - be available for all three elements of sbwa – PET, WEP and GJI.
12. Adviser discretion should be used to make decisions about the timing of sbwa referrals. Early access to skills training should be appropriately targeted, to avoid referring those who are likely to obtain a job without that intervention. Normal rules on deferral to the Work Programme should be followed – it is likely that claimants referred to sbwa will be expected to gain employment within the 3 months deferral period.
13. advisers should not refer Work Programme claimants to sbwa. There may be exceptional circumstances where sbwa may be open to Work Programme providers but this would be after invitation from the District Manager and any identification and referral of WP claimants would be made by the Work Programme provider.
14. Where a claimant is already on ESF provision, advisers can refer eligible claimants close to the labour market to sbwa where they consider sbwa will give them a greater chance of securing employment. Advisers should take into account whether the ESF provider is already offering the same type of support and avoid duplication.
15. To assist in selection of the most suitable claimants, advisers should use
- information on the District Provision Tool (DPT) and LMS opportunity which will give details of what behaviours/skills the employer is expecting of participants.
  - previous employment history (consider transferable skills)
  - Knowledge Hub
  - Customer Assessment Tool
  - Checklists in Sector Employability Toolkits
  - Caseload conferencing
16. Give the claimant full details of the sbwa. This should include as much information as possible about the course, the employer, the role etc. The customer must be given full information about the sbwa to ensure they can make an informed decision about taking part, especially as there are mandatory elements once the claimant has agreed to participate. Employer and Partnership teams should provide this information as part of the details on LMS/DPT or may also hold an sbwa open day.

## **Initial discussions with the claimant**

17. Give the claimant full details of the sbwa. This should include as much information as possible about the course, the employer, the role etc. The customer must be given full information about the sbwa to ensure they can make an informed decision about taking part, especially as there are mandatory elements once the claimant has agreed to participate. Employer and Partnership teams should provide this information as part of the details on LMS/DPT or may also hold an sbwa open day.
18. Where the sbwa is in the care sector and the information provided shows that a DBS check (previously known as CRB) is not required to participate in sbwa, advisers must make it clear that to take up a job in the sector, claimants will still be required to undertake a DBS check.
19. Explain the benefits of taking part in the sbwa, for example:
  - Improve their job prospects
  - Give them the skills and behaviours employers want from people entering a job in a specific sector
  - Allow them to undertake units towards a qualification
  - Gain work experience
  - Build their confidence
  - Add to their CV
  - Give an employer chance to see how well they can work
  - Travel, childcare, and replacement care costs will be met.
  - A Guaranteed Job Interview for an existing vacancy will be offered
  - Claimant's benefit will not be affected whilst participating in sbwa
20. It is imperative that it is explained to the claimant that once they decide to participate and they receive written notice detailing what is required by way of participation in the sbwa, which will be mandatory and sanctions will apply if they do not complete: (for guidance on sanctions please see DMG Chapter 34, 34771 et seq)
  - for JSA claimants – PET and GJI (unless it is an exception to mandation).
  - for JSA claimants – WEP only if they have been dismissed for gross misconduct. See guidance on gross misconduct in DMG Memo 28/12.
  - for ESA (WRAG) claimants – only PET
  - ESA (WRAG) claimants who are in receipt of National Insurance Credits only, lone parents responsible for a child under 5 and not yet at school or full-time carers cannot be mandated Work-Related Activity. All 3 elements of sbwa must remain on a voluntary basis for these claimants.
21. Jobseeker's Direction must not be used when referring claimants to participate in sbwa as participation in a sbwa is voluntary until the claimant agrees to participate . However advisers have the flexibility to consider using a Jobseeker's Direction to refer a claimant to whatever selection process (open day/information session) is being utilised for the sbwa where they feel that this is appropriate.
22. It is also imperative that the claimant is made aware of how sanctions will affect them.
23. It should be made clear to claimants that they are required to maintain basic standards of good behaviour during sbwa.
24. If the claimant is interested in taking part, where appropriate, arrange a discussion between the claimant and the provider and/or employer to
  - allow the provider to assess suitability; and

- to give the claimant the opportunity to decide whether to participate.

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

25. If the provider/employer does not feel the claimant is suitable, obtain feedback, discuss this with claimant and consider alternative provision/support.
26. There is no expectation that all potential sbwa participants will speak to an employer, although where an employer has agreed to discuss the content of the sbwa with claimants, it should be accommodated wherever possible.
27. Where an employer wants to speak to a claimant, it will be outlined in the sbwa LMS opportunity and in the DPT information.
28. sbwa should not be confused with work experience opportunities or Work Trials.  
Differences between sbwa, work experience and Work Trials.