

# Mandatory Work Activity

## Background

1. Mandatory Work Activity (MWA) is part of the menu of support available to help Jobseeker's Allowance (JSA) claimants as part of the Jobcentre Plus Offer. This over-arching offer ensures that claimants receive the personalised, responsive support that they need to find employment.

2. It is recognised that whilst the vast majority of JSA claimants engage with the support available to them and make every effort to find work, there are a few who, for a variety of reasons, fail to demonstrate the focus and discipline necessary to seek out, secure and retain employment opportunities.

3. MWA, delivered under Section 17A of Jobseekers Act 1995, aims to tackle this particular issue.

NB Under Section 17A of Jobseekers Act 1995 the Secretary of State may require claimants to participate in prescribed schemes that are '*designed to assist them to obtain employment*'. It is, therefore, imperative that in all communications (written and verbal; internal and external) MWA is described in line with DWP legislation and policy i.e. MWA is designed to help our JSA claimants find work; it is **not** a punitive measure.

## District implementation

4. In each Contract Package Area (CPA) there is a strict annual limit on the number of claimants the provider can take on to MWA provision. Districts within a CPA must, therefore, work together to manage referral numbers.

5. The limited number of places available and the mandatory nature of the provision make it imperative that District Management Teams (DMT) implement processes to support MWA which are both effective and transparent.

6. The identification process adopted must be seen to be both fair and reasonable, and ensure that no claimant is referred to MWA without the Work Services Manager having been consulted eg a case conference approach.

7. DMT have a key role in ensuring that, at all levels, MWA messaging conforms to policy intent - see background section of this guidance.

8. DMT are also responsible for ensuring that their MWA provider has nominated contacts for raising absence related issues. The nominated contact(s) must be familiar with the Labour Market Conditions Guide and able to make decisions (e.g. whether to 'treat as straight forward' or not) promptly and accurately in regard to issues including:

- periods of sickness
- domestic emergencies
- easements for parents

9. It is also important for Districts to obtain regular MI and ensure that formal Provider Engagement Meetings are set up with the MWA provider.

## The provision

10. Mandatory Work Activity gives JSA claimants identified as most in need of support, an opportunity to develop skills, disciplines and behaviours that we

know are widely valued by employers and that can help them in seeking employment.

11. The vehicle for this will be work-based placements delivered by external providers under contract to DWP. For those referred to a placement, their participation is mandatory. The Jobseeker's Allowance (Mandatory Work Activity Scheme) Regulations 2011 support the mandatory nature of MWA.

## Features

12. The placements sourced by the provider will:

- last for 4 weeks;
- be for 30 hours per week, unless restrictions apply, so allowing the claimant time to meet their actively seeking obligations;
- be reduced in line with any restrictions a claimant might have on their Jobseeker's Agreement (JSAg) / JSA Claimant Commitment (CC). In such circumstances, placements will take up 75% of the time a claimant is available for work;
- be of benefit to the local or wider community; and
- be additional to any existing or expected vacancies the host organisation might have.

13. MWA participants will continue to claim JSA and attend Jobsearch Reviews.

14. The provider will meet the costs incurred by the claimant in attending the MWA placement. This will include travel, childcare and replacement adult care costs. The provider will also meet any additional support costs necessary to allow disabled people to participate fully.

## Identifying claimants suitable for MWA

15. The following JSA claimants **must not** be referred to MWA:

- young people aged 16 and 17, as the primary focus for this age group is education and training
- those participating in the Work Programme.

16. Other than that, it is at the Advisory Team's discretion whether to refer a JSA claimant to MWA, bearing in mind the policy intent as detailed below.

17. A JSA claimant potentially suitable for MWA is one identified through the work targeted interview process as lacking, or failing to demonstrate, the focus and discipline necessary to effectively:

- seek out and pursue job opportunities
- secure and retain employment.

18. As MWA places are limited, it is imperative the provision is deployed appropriately. Where the primary barrier to a claimant finding work is a lack of focus and discipline on their part, MWA has the potential to help them. But where that lack of focus and discipline has a serious underlying cause, for example:

- a significant disability (whether physical or mental)
- a low level of basic skills
- a chaotic lifestyle due to drug / alcohol misuse

or where the primary barrier is something else altogether, for example:

- a background that includes serious criminal convictions

MWA participation would only be beneficial, and therefore appropriate, if it were deployed as a step within a structured approach designed to address the claimant's multiple barriers. Deployed in isolation, or as the first or primary step, MWA would be wholly inappropriate.

19. It is debatable whether MWA is appropriate provision for claimants who are:

- working (paid or voluntary)
- undertaking employment related study / training
- taking part in or recently completed a Jobcentre Plus employment-related measure (contracted or non-contracted) aimed at helping them move closer to the labour market

therefore, in such circumstances it is imperative that Advisory Teams consider most carefully the merits of an MWA referral on a case by case basis.

20. MWA may be beneficial for a claimant that has recently received a labour market related sanction / disallowance, providing an opportunity for them to develop the skills, disciplines and behaviours sought by employers. **(NB** MWA must not be used as an alternative means of addressing conditionality doubts. If there are doubts about a claimant meeting JSA conditionality i.e. availability and actively seeking, those doubts must be addressed appropriately).

21. If a lack of recent work experience is proving to be a barrier to finding work for an otherwise well-focused claimant (even if they may be seeking out and pursuing job opportunities), Advisory Teams should seek to address this with the claimant by discussing the ways in which this experience could be gained - for example through Work Together, work experience or by pursuing volunteering opportunities.

22. Where a claimant is unwilling to address a lack of recent work experience, and Advisory Teams believe an MWA placement would address this barrier and help a claimant move closer to the labour market, they should consider if a referral to MWA is appropriate for the individual claimant.

23. MWA is not an appropriate means of providing recent work experience unless other options have been explored and are unlikely to lead to the removal of this barrier – for example, the claimant will / does not pursue options that would remove the barrier.

24. If a claimant is due to commence Work Programme (WP) provision within the next few weeks, Advisory Teams must consider seriously whether a referral to MWA is the best use of this limited resource. **(NB** In circumstances where a claimant approaching, or reaching, their WP entry point has previously failed to start, or failed to complete, a MWA placement, if the grounds for making the original referral remain valid then a further referral to MWA must take precedence over the WP referral i.e. a temporary exemption, using the criterion 'customer on other suitable provision', must be applied to the WP referral)

25. The final decision on a claimant's suitability for MWA is one that **must** be made in consultation with a Work Services Manager e.g. a case conference approach.

26. To provide the necessary audit trail, it must be recorded as a LMS conversation that the required consultation has taken place.

## Introducing MWA to claimants

27. A referral to MWA must never come as a surprise to a claimant. If a claimant's circumstances suggest that they may be suitable for a referral to MWA, the adviser must:

- explain to the claimant that they are being considered for referral and the reasons why i.e. to develop skills, disciplines and behaviours that are widely valued by employers and that can help them in seeking employment;
- provide an overview of the provision to the claimant;
- explain to the claimant that the case for referring them will be discussed with the Advisory Team Manager in line with district implementation protocols to support MWA;
- explain to the claimant that if they are subsequently referred to MWA, participation is mandatory i.e. they may face a benefit sanction if they do not take part; and
- record, as an LMS conversation, that the discussion with the claimant has taken place and the reasons cited for considering an MWA referral.

NB The language and tone used when discussing MWA with claimants is crucial. MWA must **never** be used as a threat or portrayed as a punitive measure.

## Referral process

28. The decision to refer a claimant to MWA provision must be seen to be fair and reasonable; it **must** have been made following consultation between the claimant's Work Coach and Work Services Manager (see District implementation section of this guidance) and the fact that the consultation took place must be recorded as a LMS conversation.

29. Because it takes time to follow the necessary local protocols, it is vitally important for the Work Coach to confirm, by review of the Customer Assessment Tool for example, that the reasons for considering referral in the first instance remain valid.

30. If the reasons remain valid, before referring the claimant to the MWA provider the Work Coach must check that there is nothing to prevent the claimant from completing 4 consecutive weeks on provision, e.g. holiday arrangements, jury service etc. The referral must be deferred if the claimant cannot undertake 4 consecutive weeks on provision. Additionally, the claimant's Work Programme entry point must be checked; if that date falls within the next 6 weeks, the appropriateness of a referral to MWA must be considered, though it is intended claimants suitable for MWA complete it before entering the Work Programme

31. The referral must be made within a Work Search Interview. MWA is supported by PRaP and Work Coaches must be familiar with PRaP Referral Guidance.

32. The Work Coach undertaking the referral must take the following actions:

Step	Action
1	Explain to the claimant: <ul style="list-style-type: none"><li>• about Back to Work Schemes</li><li>• why they are being referred</li></ul>

	<ul style="list-style-type: none"> <li>• that the case for referring them has been discussed, and agreed, by the Work Services Manager</li> <li>• what the provision entails</li> <li>• how we expect them to benefit from the provision</li> <li>• that any travel and/or care costs they incur will be met by the provider</li> </ul>
2	<p>The next action will depend whether the claimant has a Jobseeker's Agreement (JSAg) or a JSA Claimant Commitment (CC):</p> <p><b>JSAg</b> – ensure that the claimant's JSAg and Action Plan are fully up-to-date</p> <p><b>JSA CC</b>– ensure that the claimant's Action Plan (AP) "Aims" free text box has the following information:</p> <ul style="list-style-type: none"> <li>• annotate "JSA Claimant Commitment Case" (this is important to signal the difference to providers)</li> <li>• input types of Work from the CC Jobseeker Profile</li> <li>• input any availability or work restrictions agreed on the CC</li> </ul> <p>As a JSAg will not be created on LMS for CC cases, the relevant information is transferred to providers through PRaP from the AP. It is important the AP is updated as historic LMS JSAg information will be automatically transferred to providers when the referral is made.</p>
3	<p>Create an LMS conversation as follows: ****MWA referral****</p> <p>This is necessary to help identify, at a future New Jobseeker Interview, any claimant that might have signed-off without completing MWA, and for whom a re-referral may be appropriate</p>
4	<p>Record the referral on LMS via the 'Mandatory Work Activity – <b>Initial Ref</b>' opportunity.</p> <p>NB1 Ensure MAPPA guidance is followed in appropriate cases</p> <p>NB2 Separate procedures apply to Special Customer Record cases</p>
5	<p>Do not issue the LMS generated referral letter (these will be updated with LMS release 35 in October 2015). Issue the MWA INFO1(Eng) or MWA INFO1 (Welsh)and explain its contents ensuring the claimant fully understands that:</p> <ul style="list-style-type: none"> <li>• the provision is mandatory and the consequences of non-attendance</li> <li>• the MWA provider will write to them within 15 working days to give them full details of the placement arranged, what they are required to do and the consequences of failing to do so</li> <li>• their information may be shared with their provider and placement host, as explained in the Personal Data section of the letter</li> <li>• they must continue to follow the steps to find work as set</li> </ul>

	<p>out in their JSAG / JSA CC</p> <ul style="list-style-type: none"> <li>• they must continue to attend fortnightly Work Search Reviews (<b>NB</b> at coach discretion, the claimant's signing time, but not day, can be rearranged to fit better with attending MWA. Similarly, any requirement to attend weekly can be waived during the MWA period)</li> <li>• they must inform their Advisory Team if they need to change their signing time once details of their placement are known</li> </ul> <p><b>NB</b> Although the MWA INFO1 letter must be issued to the claimant, it is not the letter that contains the text necessary to support the mandatory nature of the provision. That text will be contained in a letter, issued by the provider, giving the claimant the details of their placement.</p>
6	Record in the 'Info' tab of the LMS Action Plan (AP) that letter MWA INFO1 has been issued to the claimant; if they do not have an AP, a basic one must be created to facilitate recording issue of the MWA INFO1. Without a proper audit trail, any future Decision Making and Appeals activity could be compromised.
7	<p>Alert the provider to issues which impact upon the claimant's participation:</p> <ul style="list-style-type: none"> <li>• restricted availability</li> <li>• care requirements</li> <li>• additional support needs for claimants with a disability</li> <li>• penalties imposed by the legal system (if a claimant is attending regular probation interviews, completing community service hours or subject to curfew restrictions the provider will manage placement arrangements accordingly)</li> </ul>
8	Make arrangements (e.g. LMS workflows) to follow-up the referral. Advisory Teams must be alert to, and respond to, any change in the claimant's circumstances that might impact on their participation and must instigate a 22 working day check to ensure the provider has met their contractual obligations.

### Explaining about Back to Work Schemes

33. In addition to explaining about the provision being referred to, remind claimants:

- about the conversation they had at an earlier Work Search Interview regarding Back to Work Schemes which help improve their prospects of employment
- about the Back to Work Scheme Guide they were signposted to during their interview, which has general information about the schemes and which they were advised to read
- that they may wish to revisit the general information on the Gov.UK website (Back to Work Schemes Guide)
- ask if the claimant has any questions or concerns about the scheme before they are referred.

34. For claimants who wish to revisit the information but cannot easily access the internet or cannot access an Internet Access Device within the Jobcentre, e.g. because of a health problems or disability, print and issue a copy of the Back to Work Scheme Guide.

### **Change of circumstances**

35. As there is a delay between the referral point and the placement start, it is important any changes to the claimant's circumstances that might impact on their attendance (e.g. found work, change of address) are picked-up and communicated promptly to the provider. This is necessary to prevent the provider from instigating DMA action that will be a waste of time for both the provider and Decision Making and Appeals colleagues.

36. To avoid delays, a phone call to the provider is considered the most appropriate way of notifying the change. If the change is one that means MWA participation is no longer relevant (e.g. claimant signed-off JSA), the provider must be instructed to update PRaP accordingly.

### **22 day check**

37. Twenty two working days after the referral has been made, the Work Coach must check, via LMS, if the provider has updated the referral.

38. If LMS is showing a result against the referral there is no need to contact the provider. However, if no result is showing on LMS, the coach must contact the provider after first checking the claimant's claim status:

- If the JSA claim has been closed, the coach must inform the provider and instruct the provider to update PRaP accordingly.
- If the JSA claim remains open, the coach must contact the provider to discuss the circumstances of the case. If the provider is unable to give a start date, the coach must consider escalating the issue to the Third Party Provision Manager.

### **Special Customer Records (SCR)**

39. SCR cases must be handled by the JCP Nominated Officer in line with National guidance.

40. In respect of MWA, the JCP Nominated Officer is responsible for:

- Letting the MWA provider's nominated contact know, by telephone, to expect a clerical referral form SL2 in respect of a SCR claimant
- Stressing, to the provider, the importance of following the SCR process set out in Provider Guidance
- Completing and sending an SL2 form to the provider's nominated contact
- Advising the Third Party Provision Team (TPPT) that a clerical referral to MWA has been made – this enables TPPT to manage referral numbers effectively.
- Obtaining, within 22 working days of the referral, full details of the claimant's placement from the MWA provider
- Notifying the claimant, by telephone, of the placement details and consequences of not attending

- Printing the 'referral to placement' letter held on the District provision Tool, completing the relevant fields, issuing it to the claimant and noting the issue of the letter on the claimant's clerical record
- On-going liaison with the provider's nominated contact in respect of SL2 completion, DMA action, provision end dates etc to meet the requirements of MWA.

## **Activities to find work and Work Search Reviews**

41. A claimant is expected to undertake all reasonable activities to find work; these activities are documented on their Jobseeker's Agreement (JSAg) / JSA Claimant Commitment (JSA CC). Unfortunately, the time lag between MWA referral and start (up to 20 working days) creates issues in relation to the claimant's JSAg / JSA CC.

42. Although taking part in MWA may have been added to the claimant's JSAg / JSA CC at the point of referral, the other activities documented will remain the same until the date the MWA placement actually commences.

43. Once a claimant starts MWA, usually for 30 hours per week, it would be unreasonable to expect them to undertake the same activities and/or with the same frequency as they were expected to take previously. Unfortunately, due to neither the start date nor placement location being known in advance, the Work Coach is unable to promptly review the JSAg / JSA CC to reflect MWA participation.

44. Due to the above, Assistant Work Coaches must take extra care when undertaking Work Search Reviews with claimants referred to and taking part in MWA. Any doubts about a claimant who has started a MWA placement meeting the requirement to 'actively seek employment' **must** be referred to their Work Coach.

45. While the requirement to 'actively seek employment' is not waived for those taking part in MWA, the adequacy of their work search activities must be considered most carefully in light of their revised circumstances (i.e. attending the MWA placement, including travel to and from the placement location).

## **Claimant absences from MWA**

46. If a claimant fails to attend their MWA placement the provider will ring a nominated Jobcentre Plus contact (District implementation section refers) for advice on handling the situation.

## **Absence due to sickness**

47. If the claimant can be treated as available (ie number / duration of sick absences allowed under JSA regulations has not been breached), it's for offices to decide if it's sensible for the claimant to remain on provision (the key factor here being the likely duration of the absence). If it's decided that provision should end, the provider must be told to inform the claimant and update PRaP accordingly; once the absence issue is resolved, the Advisory Team will need to consider the appropriateness of returning the claimant to MWA provision.

48. Arrangements must be made to capture details of the absence in line with normal business practice.



49. If the claimant cannot be treated as available (ie number / duration of sick absences allowed under JSA regulations has been breached) the provider must be told to end the claimant's participation, update PRaP accordingly and inform the claimant to attend Jobcentre Plus. Once the claimant's JSA status has been resolved, Advisory Teams will need to consider the appropriateness of returning the claimant to MWA provision.

50. In the case of sick absences there are no circumstances in which the provider should be instigating DMA action for non-participation.

### **Absence due to reason other than sickness**

51. If the absence **is** one that would meet 'treated as available' criteria (as detailed in Labour Market Conditions Guide) it's for offices to decide if it's sensible for the claimant to remain on provision (the key factor here being the likely duration of the absence). If it's decided that provision should end, the provider must be told to inform the claimant and update PRaP accordingly. Once the absence issue is resolved, the Advisory Team will need to consider the appropriateness of returning the claimant to MWA provision.

52. Whether the claimant remains on provision or not, it would not be appropriate for the provider to instigate DMA action for non-participation.

53. Arrangements must be made to capture details of the absence in line with normal business practice.

54. If the absence is **not** one that would meet 'treated as available' criteria the provider must be instructed to instigate DMA action for non-participation and return the claimant to JCP as per provider guidance. The Advisory Team will need to consider the appropriateness of returning the claimant to MWA provision.

### **Sanction regime**

55. MWA participation becomes mandatory from the date / time detailed in the notification issued to the claimant by the provider.

56. A claimant who fails to comply, without good cause, will receive a 'higher' level sanction of:

- 13 weeks, if not had a 'higher' level sanction applied in the previous 12 months
- 26 weeks, if this is their second 'higher' level sanction in a period of 12 months (from the date of the first failure)
- 156 weeks, if this is their third, or subsequent, 'higher' level sanction in a period of 12 months (from the date of the previous failure)

57. Sanctions imposed will continue to apply regardless of whether the claimant re-engages with the provision. A sanctioned claimant will have the right of appeal and be able to apply for JSA Hardship in line with existing guidance.

58. Referrals to Decision Making and Appeals Teams are made directly by the MWA provider; there is no involvement for Jobcentre Plus in the first instance. Information about the processes involved can be found in the Provider Guidance published on the DWP internet site.

59. The key issue for Advisory Teams is to consider the appropriateness of making a subsequent referral to MWA for those claimants who have been through the DMA process.

## **Subsequent referrals and ‘balance of time’**

60. Advisory Teams must be alert to claimants failing to start provision or leaving provision early.

61. The following covers the range of scenarios in which it might be appropriate to make a subsequent referral to MWA and whether such a referral should be treated as a further ‘initial’ referral or a ‘balance of time’ referral. It is important that coaches distinguish between the two and take care to make referrals via the correct LMS opportunity – any mix-up will create additional work, for both JCP and the provider, and may undermine the value of the MI being collected.

NB Within this process, Advisory Teams may, in some scenarios, identify issues with the application of the MWA sanction regime. Any such issues must be addressed appropriately ie with the DMA Team or, if it is felt the provider might not be fulfilling their obligations, with the Third Party Provision Team.

## **Claimant ceases to claim JSA between point of referral and start date of MWA placement**

62. In this scenario the Advisory Team must ensure that the provider is aware of the claim closure reason and updates PRaP accordingly. The Advisory Team may also wish to record the circumstances of the case (e.g. as an LMS Conversation) so that should the claimant return to JSA, consideration can be given to returning them to MWA.

63. If the claimant returns to JSA, the Advisory Team **must** consider if it is appropriate to make a subsequent MWA referral. Unless there has been a significant change in the circumstances which led to the original referral, the claimant should be referred again to MWA; any such referral must be treated as a further ‘initial’ referral.

64. Advisory Teams should also consider if the claimant ceasing to claim JSA between being referred to MWA and the start date of their placement (and subsequently returning to JSA) indicates fraudulent activity; this should be explored and, where appropriate, tested (e.g. via More Frequent Attendance).

NB If, when the new claim is made, the claimant is approaching or has reached their Work Programme entry point, a referral back to MWA (where appropriate), must take precedence over the Work Programme referral i.e. a temporary exemption, using the criterion ‘customer on other suitable provision’, must be applied to the Work Programme referral.

## **Claimant does not start MWA placement and JSA claim continues**

65. In this scenario Advisory Teams **must** consider if it is appropriate to make a subsequent referral. As the outcome of the DMA process may have a bearing on the appropriateness of referral (e.g. claimant’s ‘good cause’ may still apply) the Advisory Team must consider whether it would be advantageous to await the outcome of the DMA process before making a referral decision.

66. Unless there has been a significant change in the circumstances which led to the original referral, the claimant should be referred again to MWA; any such referral must be treated as a further ‘initial’ referral.

NB A MWA referral would take precedence over a Work Programme referral if the Work Programme entry point has been reached or is imminent ie a temporary exemption, using the criterion 'customer on other suitable provision', must be applied to the Work Programme referral.

### **Re-referring a claimant serving a MWA sanction**

67. In circumstances where the claimant is serving a MWA-related sanction the Advisory Team must consider if there are any wider issues that might make a prompt re-referral inappropriate, though it is expected that unless there has been a significant change in the circumstances which led to the original referral, the claimant should be referred again to MWA.

68. A claimant's refusal to engage with MWA should certainly give the Advisory Team cause for concern about the claimant's availability for employment. Such concerns must be explored rigorously and appropriate action taken.

69. Advisory Teams should also consider if the claimant's refusal might indicate fraudulent activity; again, this should be explored and, where appropriate, tested (eg via More Frequent Attendance)

### **Claimant ceases to claim JSA after placement start date but didn't actually start MWA placement**

70. In this scenario the provider should have instigated DMA action at the point the claimant failed to start the placement. Advisory Teams must, therefore, be alert to any reserved DMA decision attached to the claim (DMA paperwork should have been sent to JCP office for retention) and ensure appropriate action is taken (i.e. re-referral to DMA if a new claim is made within the sanction period).

71. Once any doubt has been cleared (i.e. sanctioned or not), the Advisory Team **must** consider if it is appropriate to make a subsequent MWA referral. Unless there has been a significant change in the circumstances which led to the original referral, the claimant should be referred again to MWA; any such referral must be treated as a further 'initial' referral.

NB If, when the new claim is made, the claimant is approaching or has reached their Work Programme entry point, a referral back to MWA (where appropriate), must take precedence over the Work Programme referral i.e. a temporary exemption, using the criterion 'customer on other suitable provision', must be applied to the Work Programme referral.

### **Claimant ceases to claim JSA after starting MWA placement**

72. In this scenario the Advisory Team must ensure that the provider is aware of the claim closure reason and updates PRaP accordingly. The Advisory Team may also wish to record the circumstances of the case (e.g. as an LMS Conversation) so that should the claimant return to JSA, consideration can be given to returning them to MWA.

73. If the claimant returns to JSA the Advisory Team **must** consider if it is appropriate to make a subsequent MWA referral. Unless there has been a significant change in the circumstances which led to the original referral, the claimant should be referred again to MWA. Where that is the case, the way in which the claimant is referred will depend on the time between them ending provision and the date of subsequent referral:

- If the referral date is 14 days or more after the provision end date, this must be treated as a further 'initial' referral i.e. via 'Mandatory Work Activity – Initial Ref' opportunity type on LMS
- If the referral date is less than 14 days after the provision end date, the referral will be for 'balance of time' and made via the 'Mandatory Work Activity – Re-Referral' opportunity on LMS

74. Advisory Teams must be mindful of any reserved DMA decision attached to the claim and take appropriate action.

NB If, when the new claim is made, the claimant is approaching or has reached their Work Programme entry point, a referral back to MWA (where appropriate), must take precedence over the Work Programme referral ie a temporary exemption, using the criterion 'customer on other suitable provision', must be applied to the Work Programme referral.

### Balance of time

75. Balance of time is the remaining amount of time a claimant should spend on MWA in situations where they have left their placement before completing the full 4 weeks of provision.

76. Balance of time is only appropriate in cases where there is less than 14 days between the previous end date and latest referral date. If 14 or more days have elapsed, any subsequent referral will again be treated as an 'initial referral' and be for the full 4 weeks.

77. Balance of time referrals must be for full weeks; therefore, the minimum period for balance of time will be one week.

78. In establishing the balance of time to be served, part-weeks spent on provision are treated as full weeks. If, for example, a claimant spent 1 week and 2 days on provision, the balance of time to be served is 2 weeks.

79. When making a balance of time referral, the Work Coach must take the following actions:

Step	Action
1	Explain to the claimant why they are being returned to the provision and the time to be spent on placement.
2	<p>The next action will depend whether the claimant has a Jobseeker's Agreement (JSAg) or a JSA Claimant Commitment (CC):</p> <p><b>JSAg</b> – ensure that the claimant's JSAg and Action Plan are fully up-to-date</p> <p><b>JSA CC</b>– ensure that the claimant's Action Plan (AP) "Aims" free text box has the following information:</p> <ul style="list-style-type: none"> <li>• annotate "JSA Claimant Commitment Case" (this is important to signal the difference to providers)</li> <li>• input types of Work from the CC Jobseeker Profile</li> <li>• input any availability or work restrictions agreed on the CC</li> </ul> <p>As a JSAg will not be created on LMS for CC cases, the relevant information is transferred to providers through PRaP from the AP. It is important the AP is updated as historic LMS JSAg</p>

	information will be automatically transferred to providers when the referral is made.
3	<p>Create an LMS conversation as follows:  ****MWA referral****</p> <p>This is necessary to help identify, at a future New Jobseeker Interview, any claimant that might have signed-off without completing MWA, and for whom a re-referral may be appropriate</p>
4	<p>Record the referral on LMS via the 'Mandatory Work Activity – Re-Referral' opportunity</p> <p>NB1 Ensure MAPPA guidance is followed in appropriate cases</p> <p>NB2 Separate procedures apply to Special Customer Record cases</p>
5	<p>Issue the LMS generated referral letter MWA05 / MWA05W and explain its contents ensuring the claimant fully understands that:</p> <ul style="list-style-type: none"> <li>• the provision is mandatory and the consequences of non-attendance</li> <li>• the MWA provider will write to them within 15 working days to give them full details of the placement arranged, what they are required to do and the consequences of failing to do so</li> <li>• their information may be shared with their provider and placement host, as explained in the Personal Data section of the letter</li> <li>• they must continue to follow the steps to find work as set out in their JSAg / JSA CC</li> <li>• they must continue to attend fortnightly Work Search Reviews (<b>NB</b> at coach discretion, the claimant's signing time, but not day, can be rearranged to fit better with attending MWA. Similarly, any requirement to attend weekly can be waived during the MWA period)</li> <li>• they must inform their Advisory Team if they need to change their signing time once details of their placement are known</li> </ul> <p><b>NB</b> Although the MWA 05 letter <b>must</b> be issued to the claimant, it is not the letter that contains the text necessary to support the mandatory nature of the provision. That text will be contained in a letter, issued by the provider, giving the claimant the details of their placement.</p>
6	<p>Record in the 'Info' tab of the LMS Action Plan (AP) that letter MWA05 has been issued to the claimant; if they do not have an AP, record the information as an LMS conversation instead. Without a proper audit trail, any future Decision Making and Appeals activity could be compromised.</p>
7	<p>Tell the provider the balance of time to be served and alert them to issues which impact upon the claimant's participation:</p> <ul style="list-style-type: none"> <li>• restricted availability</li> <li>• care requirements</li> <li>• additional support needs for claimants with a disability</li> </ul>

	<ul style="list-style-type: none"> <li>penalties imposed by the legal system (if a claimant is attending regular probation interviews, completing community service hours or subject to curfew restrictions the provider will manage placement arrangements accordingly)</li> </ul>
8	Make arrangements (e.g. LMS workflow) to follow-up the referral including a 22 day check to ensure the provider has met their contractual obligations.

### **Claimant leaves MWA provision early and JSA claim continues**

80. In this scenario Advisory Teams **must** consider if it is appropriate to make a subsequent referral. If there is a DMA result pending, the Advisory Team must consider whether it would be advantageous to await the outcome before making a decision on referring again to MWA (the DMA outcome may have a bearing on the appropriateness of referral e.g. claimant's 'good cause' may still apply).

81. Unless there has been a significant change in the circumstances which led to the original referral, the claimant should be referred again to MWA. If a further referral is made, the way in which it is made will depend on the time between the claimant ending provision and the date of subsequent referral:

- If the referral date is 14 days or more after the provision end date, this must be treated as a further 'initial' referral i.e. via 'Mandatory Work Activity – Initial Ref' opportunity type on LMS
- If the referral date is less than 14 days after the provision end date, the referral will be for 'balance of time' and made via the 'Mandatory Work Activity – Re-Referral' opportunity on LMS

NB A MWA referral would take precedence over a Work Programme referral if the Work Programme entry point has been reached or is imminent ie a temporary exemption, using the criteria 'customer on other suitable provision', must be applied to the Work Programme referral.

### **Re-referring a claimant serving a MWA sanction**

82. In circumstances where the claimant is serving a MWA-related sanction the Advisory Team must consider if there are any wider issues that might make a prompt re-referral inappropriate, though it is expected that unless there has been a significant change in the circumstances which led to the original referral, the claimant should be referred again to MWA.

83. A claimant's refusal to engage with MWA should certainly give the Advisory Team cause for concern about the claimant's availability for employment. Such concerns must be explored rigorously and appropriate action taken.

84. Advisory Teams should also consider if the claimant's refusal might indicate fraudulent activity; again, this should be explored and, where appropriate, tested (e.g. via More Frequent Attendance)

### **Claimant transfers their JSA claim to another office**

85. If the claimant has been referred to MWA but not yet started their placement, the provider must be informed and told to update PRaP with a 'did

not start' outcome. The Advisory Team at the new office must decide if the claimant is suitable for MWA.

86. If the claimant has started their MWA placement the action to take will depend on where they have moved to.

87. If the claimant's new office is within the same provider Contract Package Area (details of a provider's CPA will be held by Third Party Provision Teams), the provider must be informed of the change and advised to source a suitable placement for the remainder of the MWA period unless the existing placement is within acceptable travelling distance for the claimant.

88. If the claimant's new office is outside the provider's Contract Package Area, the provider must be informed and told to end the current placement. The Advisory Team at the new office must decide if the claimant is suitable for MWA – any referral would be for the full 4 weeks.

### **Unacceptable claimant behaviour**

89. If a claimant who is participating in MWA displays potentially violent behaviour in their dealings with Jobcentre Plus, the MWA provider must be notified.

90. In most cases the claimant's placement will not be affected, but the notification is required to facilitate and inform the provider's risk management measures.

91. Similarly, MWA providers will notify Jobcentre Plus of any unacceptable claimant behaviour whilst they are on placement. Any such notifications must be referred to the Nominated Manager, usually the Jobcentre Manager.

### **New claim with reserved MWA DMA decision**

92. If a claimant referred to MWA ends their JSA claim after starting, but not completing, their placement or ends it shortly after they were due to start but failed to do so, the Jobcentre should be holding paperwork relating to a reserved DMA decision.

93. If that claimant then makes a new JSA claim within the period to which the reserved decision applies, the case papers must be referred back to the DMA Team.

94. Any thought of referring such claimants to MWA must wait until the DMA outcome is known.

### **Claimants completing MWA**

95. For MWA completers it is important that the Advisory Team conduct a post-provision review. The review should focus on the claimant's experience of MWA and their needs moving forward. Any steps agreed must be recorded on the claimant's Jobseeker's Agreement / JSA Claimant Commitment.

96. The MWA provider will also give feedback on the claimant's participation. This should be received within 10 days of the completion date and will document the claimant's activities during placement, verify attendance and note any skills developed. This feedback should be shared with the claimant.

### **Complaints**

97. If a claimant has a complaint solely about their MWA provider you should direct them to the provider.

98. If their complaint relates to both Jobcentre Plus and the MWA provider, Jobcentre Plus is responsible for handling a joint response.

99. Information can be found in section 10 of the Handling Feedback about Contracted Customer Services.