

Work Programme Referral (WPR)

Purpose

1. The purpose of this guidance is to make staff aware of the Work Programme, including its benefits, the eligibility criteria for entering and the considerations to be made before a claimant is referred.
2. The identification of the appropriate entry point and the actions to take to either make the referral, defer the referral, or apply an exemption can be found in the LMS R34 Guidance.

Note: In order to determine the appropriate entry point and the actions to take to refer ESA claimants to the Work Programme, please follow the process defined in the ESA Work Programme Referral guidance.

Overview

3. The WP is the biggest single welfare to work programme this country has ever seen. It is the centrepiece of the Government's plans to reform welfare-to-work provision in the UK and will ensure people have the right support.
4. It is built around the needs of individuals, providing the support they need when they need it. Providers will be free to design support based on the needs of individuals and target the right support at the right time, regardless of the benefit the claimant is in receipt of.
5. DWP will offer providers higher rewards for supporting harder-to-help claimants into employment to ensure that it is worthwhile to help all claimant groups. DWP has designed a coherent package of support, not just a single programme.
6. All claimants will have access to support for 104 continuous weeks regardless of change of circumstance or starting work.
7. If after referral to the WP the claimant changes address outside of the Provider Contract Package Area (CPA) the WP Provider in the original CPA will continue to support the claimant.
8. Random allocation will be used by JCP to ensure all providers within each district receive an equal share of claimant flows.
9. One of the tools we will use to manage provider performance and achieve best value for money (VFM) is the use of random allocation Market Share Shifting to drive competition between providers in live running. This will enable us to move referrals, and so potential earnings, if a provider is not meeting performance standards.
10. Many of our claimants face complex challenges before they will be ready for employment, from Jobseeker's Allowance (JSA) recipients who have been out of work for some time, to claimants who may have been receiving Incapacity Benefits (IB) for many years.
11. For the vast majority of claimants the WP will be mandatory. Refer to the eligibility table.
12. However, there will be voluntary access for those claimants who are eligible.
13. From the 2nd March 2015 access to the Work Programme for IS claimants is removed. Prior to this date claimants in receipt of IS in England only, could volunteer to join the Work Programme via funding from the European Social

Fund (ESF). Some claimants who volunteered to participate in the Work Programme upon joining became mandatory participants. These are lone parents with a youngest child aged 3 or 4 who are claiming solely because they are a lone parent. The last date claimants could volunteer for the WP was 27th February 2015.

14. Mandatory claimants who fail to comply whilst on the WP may be subject to sanctions.

Purpose of the Work Programme Referral (WPR)

15. The interview will allow advisers to explain the next steps to the claimant, highlighting the benefits of the WP and explaining their rights, responsibilities and conditionality.

16. Although we would expect the WPR to be conducted face to face, the a telephone referral may be considered more appropriate if the claimant:

- lives in a remote location and is unable to travel to the jobcentre;
- has mental or physical health conditions which makes a telephone interview more appropriate; or
- IB and IS claimant funded by ESF

17. If conducting the WPR over the telephone, existing telephone interview procedures must be followed. For example, to verify the claimant's identity. Ensure that all relevant letters and leaflets are posted out to the claimant at the end of the referral.

18. Decision Making and Appeals (DMA) action cannot be taken to sanction a JSA claimant who fails to attend or participate in a telephone interview. If this happens, the claimant must be asked to attend a face to face interview. Only then can any appropriate failure to attend or participate action follow.

Eligibility

Eligibility Table

19. The following table includes all the claimants who are eligible to be referred to the WP and whether they are a mandatory or voluntary claimant.

Note. These do not represent the claimant groups or LMS opportunity types but the eligibility point of entry to the WP.

20. Where a claimant meets two sets of eligibility criteria for the WP and the referral dates are the same, the age related (18-24 or 25 +) opportunity type takes preference.

21. The key principle of Linking Rules is that claimants will move onto the Work Programme once they have received linked periods of Jobseeker's Allowance for the appropriate length of time. For example, 12 months for 25+ claimants. See the LMS R34 Guidance for the actions necessary to allow LMS to use the Linking Rules correctly.

22. If claimant is part of a Joint Claim, their partner will also be referred to the same WP Provider, unless a JSA conditionality exemption applies to the partner, or the claimant volunteers for the WP through Early Access.

23. The WP hand-off points do not apply to partners required to join at the same time as their partner.

24. If the claimant has a birthday prior to the applicable hand-off point which moves them into the next age bracket, LMS re-calculates the WP hand-off

point, based on their new age group. For example, a 24 year old customer reaches age 25 before their 9 month hand-off point, the WPR date occurs following 12 months of pre-WP activity.

Eligibility	Work Programme Hand off Points	Is Referral Voluntary, or Mandatory Access?	Once referred to the Work Programme is the claimant's participation mandatory or voluntary?
JSA claimants aged 18 to 24	From 9 months of Pre-WP activity	Mandatory	Mandatory
JSA claimants aged 25 and over	From 12 months of Pre-WP activity	Mandatory	Mandatory
JSA 18 year old claimant who has been NEET (Not in employment, education or training) for 6 months at the start of their claim or	From 3 months of Pre-WP activity	Mandatory	Mandatory
JSA 18 year old claimant who becomes NEET for 6 months during their claim	See NEET Claimants for referral date	Mandatory	Mandatory
JSA 18 year old claimant previously received a payment of JSA (IB) as a 16/17 year old	From 3 months of Pre-WP activity during their claim to adult JSA	Mandatory	Mandatory
JSA Repeaters (claimed JSA 22 out of 24 months) at their date of claim	From 3 months of Pre-WP activity	Mandatory	Mandatory
JSA ex-IB* (or has had an appeal decision delivered regarding the outcome of an IB reassessment WCA) at any time within 6 months of their JSA claim. *IB equals Incapacity Benefit, Severe Disablement Allowance or Income Support on grounds of illness or disability	From 3 months of Pre-WP activity	Mandatory	Mandatory

An ex-offender or offender (if claim made before, or within 13 weeks of release)	From Day 1 of the claim	Mandatory	Mandatory
JSA Early Access claimant <ul style="list-style-type: none"> Care Leaver aged 18-21 	From Day 1 or thereafter of JSA Claim	Voluntary	Mandatory
JSA Early Access claimants <ul style="list-style-type: none"> An ex-offender or offender (if claim made later than 13 weeks following release) Disabled person Person with mild or moderate mental health issues Carer on JSA Ex-carer A homeless person Ex-HM Armed Forces A partner of current or former HM Armed Forces personnel Current/previous drug/alcohol dependency (including a history of) presents a significant barrier to employment Care leavers – aged 22 and over 	From 3 months of Pre-WP activity	Voluntary	Mandatory
JSA claimants who the adviser deems would be impacted by the introduction of benefit cap in 2013 but do not meet any of the early entry criteria.	From 3 months of Pre-WP activity	Voluntary	Mandatory
ESA (IR) WRAG with prognosis of 12 month or less (Stock and Flow)	From the WCA outcome or the date from which the Work Related Activity Component (WRAC) is awarded if this is later.	Mandatory	Mandatory

	(If entitlement to the WRAC has not been reached there is no benefit component to sanction for non-compliance. Do not book the WPR until WRAC entitlement is reached)		
<p>ESA (IR) WRAG with 18 or 24 month prognosis (Stock and Flow)</p> <p>Some ESA claimants who reside in:</p> <ul style="list-style-type: none"> Any District in Southern England One of five Districts in Central England One of 3 Districts in North East England <p>may be required to participate in the ESA Pilots 18-24 Prognosis. Pilot Guidance must be considered before referral to the Work Programme is made for these claimants</p>	From WCA outcome	Voluntary	Mandatory
<p>ESA (Flow (C)) WRAG claimants</p> <p>NB: If the claimant is entitled to any element of ESA (IR) their WP entry point will be calculated as an ESA (IR) claimant</p>	From WCA outcome	Voluntary	Mandatory
ESA (IR or C) Support Group	From WCA outcome	Voluntary	Voluntary
ESA WRAG (full time carer)	ESA WRAG (full time carer)	ESA WRAG (full time carer)	ESA WRAG (full time carer)
ESA WRAG (lone parent with a youngest child under	From WCA outcome	Voluntary	Voluntary

5) Referred before 28 th April 14			
ESA WRAG (lone parent with a youngest child under 3) Referred after 28 th April 2014	From WCA outcome	Voluntary	Voluntary until child reaches age 3 when becomes mandatory
ESA WRAG (lone parent with a youngest child aged 3 or 4) Referred after 28 th April 2014	From WCA outcome	Voluntary	Mandatory
ESA Credits Only	From WCA outcome	Voluntary	Voluntary
Pension Credit claimants (without a health condition)	From 12 months receipt of any eligible benefit e.g. 7 months on JSA plus 5 months Pension Credit	Voluntary	Voluntary
Pension Credit claimants (with a health condition in receipt of a disability premium)	At any time	Voluntary	Voluntary
IB/SDA Claimants (ESF funded England only)	From the 2 nd March 2015 voluntary access to the work programme for these claimant groups will no longer be available. The last referral date will be 27 th February 2015	Voluntary	Voluntary
IS Other Claimants (ESF funded England only) (Excluding those receiving IS solely on the ground of being a lone parent, whose youngest child is aged 3 or 4)	From the 2 nd March 2015 voluntary access to the work programme for these claimant groups will no longer be available. The last referral date will be	Voluntary	Voluntary

	27th February 2015		
IS Lone Parent Claimants receiving IS solely on the ground of being a lone parent, whose youngest child is aged 3 or 4 (ESF funded England only) from 28 April 2014	From the 2nd March 2015 voluntary access to the work programme for these claimant groups will no longer be available. The last referral date will be 27th February 2015	Voluntary	Mandatory

Note: ESA claimants appealing a decision or awaiting the outcome of a Mandatory Reconsideration are exempt from the Work Programme and **must not** be referred.

25. Claimants who volunteer for the WP but whose participation on referral is mandatory will be subject to sanctions if they then fail to undertake the activities requested of them by the WP Provider.

26. Claimants who volunteer for referral to the WP and their participation is also voluntary will not be subject to sanctions if they fail to undertake activities requested of them by the WP Provider.

NEET Claimants

27. For 18 year old claimants who become 6 months NEET during their current JSA claim, the referral date will be determined by the length of time spent on the pre-WP. For example:

- Scenario 1 - claimant has been on the pre-WP for 4 months when they reach the point where they have been NEET for 6 months. Book a WPR as soon as possible;
- Scenario 2 - claimant reaches 6 months NEET, but has only been part of the pre-WP for 2 months, refer from 3 months completion of the pre-WP

Referring a Claimant to the Work Programme who is participating in the ESF Support for Families with Multiple Problems

28. When referring a claimant to the Work Programme and it is identified that they are participating on the ESF Support for Families with Multiple Problems provision an ESF15b form must be completed and sent to the ESF Provider. This is required to ensure that duplication of support is not occurring.

Claimant on Work Choice/Residential Training for Adults with Disabilities

29. If a claimant is on either Work Choice or Residential Training for Adults with Disabilities they are not eligible for the WP, either mandatory or voluntary.

Benefit Cap

30. JSA claimants can volunteer to access the Work Programme after 3 months of Pre-WP activity if the adviser deems that they will be affected by the introduction of Benefit Cap.

31. However, if they meet any of the other Early Access criteria, they **must** be referred, using the appropriate Early Access Opportunity Type.

JSA Credits Only

32. JSA Credits Only claimants are eligible to join the WP and **can volunteer** to be referred at the appropriate hand off point either at 3, 9 or 12 months.

JSA Non-claimants

33. JSA non-claimants are not eligible for the WP, either mandatory or voluntary.

JSA 18-21 Care Leavers

34. Where it is identified a JSA Claimant between 18 and 21 is a Care Leaver then they can volunteer from Day 1 of their JSA claim to the Work Programme. Any referral must be made via the normal LMS-JSA 18 to 24 Opportunity after having set the Care Leaver marker which opens up the early referral Work Programme marker. Once referred the participation becomes mandatory.

Care Leavers 22 and Over

35. A JSA Claimant aged 22 and over who is identified as a care leaver can have voluntary access to the Work Programme from 3 months of claiming. Any referral must be made via the normal LMS-JSA Opportunity relating to their age after having set the Care Leaver marker which opens up the early referral Work Programme marker. Once referred the participation becomes mandatory.

Ex HM Armed Forces

36. For the purposes of Ex HM Armed Forces claimants having early access to the Work Programme, they must have served in the regular armed forces of the Crown any day in the last 3 years.

JSA Claimants returning from Work Choice

37. How the Work Programme Entry Point is calculated for JSA Work Choice Leavers/Returners depends on the point at which the claimant's Work Choice provision ended.

38. Work Choice provision consists of 3 modules. Claimants participating on module 1 continue to receive Jobseeker's Allowance. Entitlement to Jobseeker's Allowance ceases when claimants move on to modules 2 and 3.

39. Once participation on Module 1 of Work Choice ends, the claimant's Work Programme entry point is calculated from the day after provision ends in line with normal Work Programme eligibility rules.

Example

An 18-24 claimant with a disability leaves Work Choice on **8.9.11**. A new WP entry point is calculated from **9.9.11**. The claimant's mandatory WP entry point will be **9.6.12** OR if they volunteer for early access to the WP on grounds of their disability, **9.12.11**.

Once participation on Work Choice ends during Modules 2 or 3, a new claim to JSA will need to be made following normal processes. The Work Programme entry point is calculated from the date of the new claim in line with normal Work Programme eligibility rules.

Example

An 18-24 claimant with a disability makes a new claim to JSA on 9.9.11 after leaving module 2 of Work Choice on 8.9.11. The Work Programme Entry date is calculated from 9.9.11. Mandatory Work Programme entry point is **9.6.12** or **9.12.11** if the claimant volunteers for early access to the WP on the grounds of their disability.

Once Work Choice has ended, the claimant is no longer exempt from the Work Programme. Consider the claimant's new circumstances and what the next steps should be.

Claimants who are Temporary Exempt and Deferrals

Exempt claimants

40. There are situations where a claimant will be identified for a mandatory referral to the Work Programme (as per eligibility table) but their current circumstances mean that the referral to the Work Programme should be postponed. There are two categories of postponements. These are:

- Temporary Exemptions
- Adviser Discretionary Deferrals

41. Details on how to record Work Programme exemptions and deferrals can be found in the Work Programme LMS guidance.

42. Some exemptions apply to all claimants and some are just specific to JSA or ESA.

43. The Work Programme exemption 'Exempt – On other WP provision' is used as a LMS workarounds to prevent rework for the following business processes.

- Day one Mandation for Prisoners
- Mandation of ESA (IR) WRAG claimants with a 12 month prognosis

44. This guidance details exemptions that are generic and those that are applicable to JSA. For information on exemptions that are applicable to ESA claimants, please refer to the ESA Work Programme Referral Guidance.

Generic Temporary exemptions

Reason	Reason to record from the pull down menu on LMS
Claimants who are pregnant and within 3 months of their expected date of confinement, although could still volunteer	Exempt - Pregnancy

for the WP	
Victims of Domestic Violence; set an exemption for 13 weeks and then review. The exemption could be lifted or extended	Exempt – Victim of domestic violence
Claimants for whom Work Choice/Residential Training is identified as a more suitable option and who have been referred will not be referred to the Work Programme. In the first instance set the review date to the expected start date. Once the claimant has started the review date can be set to when it is due to end.	Exempt – Claimant on other suitable provision
Claimants for whom Training for Work (Scotland) and Work Based Learning- Steps to Employment (Wales) is identified as suitable provision will not be referred during their participation on these programmes	Exempt – Claimant on other suitable provision
Claimants appealing a Work Capability Assessment (WCA) decision who have not already been referred to the WP, or claimants that are awaiting Mandatory Reconsideration of a WCA decision to place them in the WRAG.	<p>*Exempt – ESA WCA Appeal</p> <p>*Note: The exemption applies to both JSA and ESA even though the description of it in LMS indicates it is only ESA</p>

LMS workaround exemptions

Reason	Reason to record from the pull down menu on LMS
<p>This reason is used for claimants who have been referred to the Work Programme using stand alone opportunity types in the following business processes:</p> <ul style="list-style-type: none"> • Day one Mandation for Prisoners • Mandation of ESA (IR) WRAG claimants with a 12 month prognosis <p>Note: It must not be used in any other circumstances.</p> <p>Set the exemption for 2 years so that it applies for the duration of the claimant's time on the Work Programme.</p>	Exempt – On other WP provision

JSA Only exemptions

Reason	Reason to select on LMS
Joint Claim Exemption – Members of a Joint Claim who are exempt from meeting the JSA Labour Market Conditionality requirements	Exempt – Joint Claim Exemption
Mandatory Work Activity (MWA) exemption – claimants participating in MWA and those	Exempt – Claimant on other suitable provision

in the process of being referred to MWA having previously failed to start (or complete) their placement. Exemption lasts until MWA placement has been completed.	
JSA claimants who may be affected by the introduction of benefit cap (not to be used)	Exempt – benefit cap claimant on WP
JSA Credits Only claimants who do not volunteer to access Work Programme	Exempt – Credits Only
JSA claimants who are part of the Post Work Programme Support Trailblazer	Exempt – Post WP Supp Trlblazer

45. Other than where stated, advisers should use their discretion to determine the exemption period based on the facts of the individual case.

Discretionary Deferral Reasons

46. A deferral should be the exception rather than the rule. Whilst there are a few exceptions, the basic rule is that a deferral should only be considered for a claimant who you are confident will flow off benefit or will meet the exemption criteria within the 90 days deferral period.

47. The table below shows the deferral reasons available in LMS along with a definition of when each one should be used:

Deferral reason on LMS	When to use
Defer – Job Offer / Job Start	Claimant has a confirmed Job Offer / Start within 90 days which could lead to a benefit off flow.
Defer – Job Interview	Claimant has a Job interview which could lead to a benefit off flow within 90 days.
Defer – Job Outcome Expected	The adviser feels that with their help and support the claimant will flow off benefit within 90 days.
Defer – On other Provision	Claimant is already undertaking training when Work Programme eligibility is identified.
Defer – Other	To be used when none of the other deferral reasons apply but the adviser is confident the claimant will flow off benefit or will meet the exemption criteria within the 90 days deferral period. The reason for using 'Other' must be recorded in LMS Conversations.

48. You can consider delaying the claimant's mandatory referral for a maximum of 90 days. They can be deferred multiple times but not beyond the end of the 90 days period. LMS will not allow you to defer beyond the maximum 90 days. It will calculate this using the 'Eligibility Date' within the Work Programme window as the start date.

49. If the reason 'Defer – Other' is used the reason for using it **must** be recorded in LMS Conversations. For example if other has been used because the claimant has been referred to the DEA to consider if Work Choice is appropriate record 'Work Programme deferral other used because claimant

has been referred to the DEA to consider if Work Choice is appropriate'.
"Other" should also be used for example if a claimant is within 90 days of pension credit age and is going to swap to pension credit.

50. Providers will apply conditionality in a similar way to how Jobcentre Plus will approach it. It is important to remember that whilst a claimant may be deferred from a referral, the expectation is that during this period the claimant will remain subject to the requirements placed on individuals via the Jobcentre Plus offer (i.e. consideration of WFIs and WRA).

51. The following are a few examples of when a claimant may be deferred.

Claimant is on a training course

52. Where a claimant is on a training course and would reach their Work Programme referral date whilst on this, or shortly after, consideration should be given to deferring the Work Programme Referral so the claimant can complete the course and where appropriate be given time to try to get a job using their new skills.

Example

Mr Smith is attending a 4 week plastering course at his local college, which he started 2 weeks ago. In this case it would be sensible to defer his Work Programme referral for 6 weeks to allow him to complete the course and try to get a job using his new skills.

Claimant has a job interview or is due to start work

53. Referral to the WP Provider should be delayed if the claimant states they have a job interview or definite job start and evidence (preferably written evidence from the employer) can be produced.

54. Set the review date for after the interview or employment commencement date, to confirm the outcome of the interview or that a job start has occurred.

Job Outcome Expected within 3 months

55. Where short intensive job search activity will move the claimant into employment, the adviser may choose to defer the claimant's entry to the WP for a maximum of 90 days, to allow more intensive JCP support. For example, if they have just completed a "Get Britain Working Measure".

56. Agree a date when the claimant is to return to work, and set the review date to confirm whether the claimant has returned to work at that date.

New Enterprise Allowance (NEA)

57. The claimant cannot undertake NEA at the same time as the WP. The claimant can be deferred from the WP for a period of 8 weeks to work with their mentor and produce a business plan.

58. At the end of the 8 week period the claimant will attend the Jobcentre where the initial period may be extended with Jobcentre Plus agreement. At which time a further WP deferral can be granted.

59. There is opportunity to allow a further deferral once the business plan was complete where they believe the claimant is close to commencing self employment.

60. Once the claimant reaches the maximum 90 days deferral period, they will be required to cease NEA and join the WP.

Work Choice/Residential Training for Adults with Disabilities

61. You may defer the claimant's referral to the WP pending a decision from the DEA on whether Work Choice or Residential Training of Adults with Disabilities would be more suitable. If the DEA deems either to be more suitable the claimant would then be exempt from the WP for their length of time on Work Choice or Residential Training.

Participant due to leave Great Britain (GB)

62. Claimants who are emigrating to countries outside Great Britain need not be referred to the WP Provider if their date for leaving the country is within the deferral period of 90 days and they will be ending their benefit claim.

Claimant Working with Community Rehabilitation Company (CRC)

63. Community Resettlement Companies (CRCs) started to deliver resettlement services to prison leavers in May 2015. A network of resettlement prisons has been created in England and Wales where post release support will be provided for a period of up to 12 months. New legislation has come into force that means around 45,000 prisoners per year released from short sentences (anything more than 1 day) will now also receive 12 months **statutory supervision in the community** where they didn't before. Support could include signposting to help with housing, addiction issues, employment and other areas that are needed to help resettle the prison leaver and address re-offending behaviours.

64. Currently, if prison leavers claim Jobseeker's Allowance in advance of release, or within 13 weeks following release, they are automatically **mandated onto the Work Programme from 'Day One'**. Flexibility exists to defer entry for up to 13 weeks if there is a better prospect of employment without Work Programme support. Feedback in the evaluation of Day One Mandation suggests that for some prison leavers, issues exist that need addressing before they can fully engage in work or in the Work Programme.

65. The introduction of Transforming Rehabilitation means that, when CRCs have identified such issues and facilitated appropriate activity to address them, DWP Work Coaches/Employment Benefit Advisers should consider using more flexibility as to when prison leavers who claim JSA (before or after release) are mandated to Work Programme. Deferral can only be considered for a maximum of 13 weeks, and only in cases where the individual is already receiving support that addresses barriers to effective Work Programme participation, and where that support continues on release.

66. It is imperative that all Offenders subject to "Day One Mandation" to the Work Programme have a "Work Programme referral interview" booked and in place at the latest by week 11. This will result in a referral by the 13th week of claim to fulfil the contractual agreement DWP have with providers.

67. Where the claimant is not referred and a deferral is set this must be recorded in LMS and a workflow set. See: Postpone a Referral to the Work Programme. A deferral must not be set for more than 11 weeks to ensure that a follow up review can take place prior to the 13 week deadline. The deferral must not be set for the full 13 weeks as this would mean we breach our contractual agreement.

68. The "Other" deferral reason should be selected and a note as to why applicable must be placed in conversations.

69. Where a JSA claim is made within 13 weeks of release and information relating to the support being delivered by the CRC is not known then a referral must be made at day one. Where information is available and it suggests a delay in referring would be appropriate, then deferral can be considered. It is essential that any subsequent referral is made within 13 weeks. .

70. For Universal Credit cases the claim will not have been made in prison so the Work Coach will need to ascertain if CRC support conflicts with a Work Programme referral from information available.

71. Where claimants have been released from prison and are already Work Programme participants then the normal provider notification through a WP07b/UC78 (new claim notification) must be sent. We cannot accept any CRC activity as a reason not to inform the provider of a new claim.

Work Programme providers and the CRCs will work together with individual participants and relationships will be built to avoid conflicts in support and duplicate requirements of the participant.

Action when deferral matures

72. When the deferral matures the claimants details are included on the Work Programme Exemption/Deferral Report. The report must be printed off weekly and cleared immediately.

73. For each claimant on the report consider whether a further deferral is appropriate.

74. Review the deferral by the most appropriate means. For example, phone call or interview with the claimant, or confirmation with a third party.

75. If a further exemption/deferral period is appropriate, the actions to record the exemption/deferral on LMS are repeated.

76. If not remove the postponement then a Work Programme Referral interview must be booked.

Key Activities of the Work Programme Referral

77. For JSA claimant's your willl:

- Check the claimant's **identity** **NB:** this action is not required if the referral immediately follows the Initial Work Search Interview ;
- If you identify that the claimant is a **Special Customer Record** case, do not open an interview on LMS. Instead ensure that the **sensitive case** processes are followed;
- Start the interview on **LMS**;
- The following components make up the interview;
 - Check the claimants **Eligibility** for the WP and correct any inaccurate attributes;
 - Check LMS HIST record to prevent dup referrals (some LMS processes incorrectly remove the 'WP Postponed' marker)
 - Check for **Claimants who are Temporary Exempt and Deferrals**;
 - Identify whether the claimant is a vulnerable claimant and requires **safeguard measures**;
 - Explain the **Sanction Regime** where appropriate;
 - **Conduct the WPR**;
 - Explain the **claimant's responsibilities whilst on the WP**;

- **Review/Update Claimant Commitments, JSAs,, LMS & Action Plan** – this is essential to ensure that work programme providers get full relevant information, especially around any restrictions to availability, caring responsibilities etc;
- Advise the claimant that if they find work prior to them engaging with the provider they must notify Jobcentre Plus immediately in order for Jobcentre Plus to consider any in work support that may be available (depending on the benefit being claimed). Once they engage with the provider, it becomes the provider's responsibility for any in work support; and
- **Make the Referral to the WPP**

Conducting the Work Programme Referral

78. When referring ESA claimants to the Work Programme, please follow the process defined in the ESA Work Programme Referral guidance.

About the Work Programme

79. Explain to all claimants, whether their referral to the WP is mandatory (including optional early access) or voluntary, what support they can expect from participation in the WP, highlighting the benefits for them.

80. This must include:

- the WP lasts for 2 years (104 weeks), regardless of changes in benefit or employment
- the provider is randomly allocated by the system and not determined by the DWP or claimant preference
- the WPP will contact the claimant to arrange an initial interview
- the support will be tailored to the claimant's individual needs and circumstances
- that the provider will discuss and work with the claimant to decide what help they need to find work and what they can do to improve their chances of obtaining work
- that the claimant may be asked to take part in work-related activities such as work experience, training and further support
- the provider will give all the work-focused support the claimant needs during this time, even if they change benefits
- once in employment the provider will continue to offer support to help them stay in a job
- that expenses will be covered by the provider e.g. childcare and replacement care costs, travel expenses etc as claimants on the WP do not have access to the Flexible Support Fund (FSF)
- in England for IS and IB claimants the WP is funded by the ESF
- for claimants who have voluntary early access to the WP you must explain that their participation will be mandatory and the implications of sanctions if they fail to carry out the activities directed by the provider
- inform Lone Parents there is an additional support initiative available via JCP to support their transition in to work and career progression once in work, "In Work Advisory Support" (IWAS).

Explaining about Back to Work Schemes

81. In addition to explaining about the provision being referred to, it is vital to remind claimants at the referral interview:

- About the conversation they had at their IWSINJI or intervention 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 Scheme Guide)
<https://www.gov.uk/government/publications/jobseekers-allowance-back-to-work-schemes>
- Ask if the claimant has any questions or concerns about the scheme before they are referred

82. 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.

83. The above requirements have been specifically requested as a result of recent Judicial Reviews.

Voluntary Early Entry Claimants (JSA Claimants who can join the WP early)

84. Explain the key messages about the Work Programme above to claimants who have voluntary early entry to the WP.

85. In addition use the messages included in the Volunteer Claimants section of this guidance to emphasise the benefits of joining the WP.

86. Voluntary Early Entry claimants will be mandatory WP participants once they are referred and as such the PA must emphasise the implications of sanctions.

87. However, as with other volunteer claimants always consider whether the WP is the most appropriate and cost effective course of action.

Volunteer Claimants (Volunteering for the Work Programme)

88. It is essential that to explain the key messages and be satisfied that voluntary claimants fully understand what participation on the WP means for them before referral.

89. Consider with all volunteers whether the WP is the most appropriate and cost effective course of action. Ultimately, you and the claimant must agree that referral to the WP is the best course of action. If either party feels that the WP is not the best option, the claimant must not be referred.

Note: From the 2nd March 2015 access to the work programme for IS/IB/SDA claimants is no longer be available. The last date claimants could be referred was 27th February 2015

90. You must emphasise:

- the benefits of participation in the WP;

- that they will stay with the allocated WP Provider for 104 weeks irrelevant of changes to benefit to enable the WP Provider to provide in depth support;
- that they will not be able to access any other Jobcentre Plus support whilst on the WP;
- that if the ISLP has a youngest child aged 2 who will turn 3 during the WP, their participation becomes mandatory. (record on the Action Plan that the consequences of not participating have been explained to them);
- that if they have received marketing material that they may not necessarily be referred to that specific provider;
- that providers are specialist organisations with an in-depth knowledge of jobs and opportunities in their area who can improve their chances of getting a job;
- that they are working with a specialist organisation who will support them and take a fresh look at their situation;
- that changes in their circumstances might impact on their engagement from voluntary participation to mandatory participation; and
- that if the claimant informs the Jobcentre that they are starting work or have the offer of a job between their referral interview and engaging with the Work Programme, tell them to contact the Provider straight away. This will enable the provider to provide any support they may need to enable them to start work.

JSA Claimant Responsibilities

91. JSA claimants who are being referred to the Work Programme need to understand who they should engage with and what activities they must still be undertaking whilst on the Work Programme. The Work Coach must therefore, have a detailed discussion with the claimant to explain that:

- The Work Programme provider will now be responsible for giving JSA claimants the help and support they need to find and stay in work. However, to remain entitled to receive JSA, the claimant is still required to meet the JSA Labour Market Conditions;
- the claimant now has dual responsibilities to both the provider and Jobcentre Plus which means that they must:
 - work collaboratively with the provider, discussing , agreeing and undertaking activities that the provider thinks will improve the claimants employment prospects; and
 - continue to attend fortnightly Work Search Reviews to demonstrate that they are still available for and actively seeking work. In doing so, encourage the claimant to provide evidence of what they have been doing to find work, including any activities they have agreed with their provider. The claimant must also be reminded that failure to do so without good reason could result in a benefit sanction being applied.

Issuing the Claimant Commitment

92. To help clarify the responsibilities the claimant now has and to make clearer what is expected of the claimant while participating in the Work Programme, issue the JSA claimant with a revised Work Programme

Claimant Commitment. This should not be a fundamental review of the work search activities already contained within their existing JSA Claimant Commitment, but more to ensure that the claimant receives additional key messages about the support they can expect to get from their provider as well as ensuring that three new additional activities, specifically tailored for this mandatory provision are selected and included in the 'My Actions for Getting Work' part of the Claimant Commitment;

93. JSA claimants must also be encouraged to share their Claimant Commitment with their provider as this will help to inform future discussions with the provider about the types of things the claimant will need to do to give themselves the best prospects of securing employment (providers are also being encouraged to ask claimants to share their Claimant Commitment). The claimant must also be advised that the decision whether to share their Claimant Commitment ultimately lies with them and choosing not to do will not affect their entitlement to benefit;

94. Finally, the JSA claimant needs to be made aware that if, at any time during their participation, they and/or their Work Programme provider think that the Claimant Commitment needs changing, tell the claimant they should request this at their next Work Search Review or alternatively, ask their provider to discuss this with a Jobcentre Plus Work Coach.

Claimant refuses to agree to the revised Claimant Commitment

95. There may be occasions when a claimant refuses to agree to the revised Work Programme claimant commitment. In these instances, the Work Coach must do all that they reasonably can to alleviate the claimant's concerns and gain agreement.

96. However, if, after trying to resolve the issues, the claimant is still unwilling to agree to the revised Claimant Commitment the claimant will need to be advised that their case will be referred to a Labour Market Decision Maker for consideration and in the interim period pending the decision makers decision their current JSA Claimant Commitment will remain in force.

Other Claimant responsibilities

97. Explain the claimant's responsibilities whilst on the WP, specifically the following key messages:

- All voluntary claimants – will be provided with a nominated contact in the Jobcentre with whom they can raise any concerns or issues whilst on the WP;
- All claimants:
 - must continue to report changes to their circumstances as they do now;
 - must make the most of the support offered by the provider
- Mandatory claimants - must engage and complete all activities with, or as directed by, the provider otherwise sanctions may apply; and
- Voluntary claimants – are expected to engage at agreed times and complete activities as directed by the provider, but will not lose benefit if they don't.

Refer claimant to Work Programme

98. Some claimants may require support in understanding and accessing Jobcentre Plus or Work Programme Services. Where this is the case the Work Programme provider must be alerted to the fact that a claimant may need extra help. Where the claimant needs additional support to help them understand what is expected of them or access services, then the following words must be put on the action plan:

- “May require reasonable adjustment or additional support”

Do not use the words “vulnerable” or “safeguarding” as these words are used to alert the provider that certain ESA claimants require safeguarding action.

See "Refer Claimant" section for action to take to complete the referral.

How Sanctions affect JSA Claimants and IS (Lone Parents)

99. Below is information relating to how sanctions affect JSA claimants and Mandatory IS claimants. For details of how sanctions affect ESA claimants, please refer to the ESA Work Programme Referral Guidance.

Sanctions

100. Explain the appropriate sanction regime to mandatory claimants, explaining:

- what will happen if the provider raises a sanction doubt;
- what this means in relation to their receipt of JSA or IS;
- that any decision to sanction a claim will be given in writing and include what to do next if they are unhappy with the decision (right to appeal); and
- confirm the claimant understands what will happen if a sanction is imposed and how it can affect their benefit.

101. It must be explained to the JSA claimant that if a sanction is imposed for failing to participate in the Work Programme, they will not receive any JSA (outside of hardship rules).

JSA Sanctions

On or after 12 February 2013

102. For failing to participate on or after 12 February 2013 and depending on the number of occasions they have previously been sanctioned for failing to participate in the SAPOE scheme, the sanction will be for a period of:

- 4 weeks for the first sanction; and
- 13 weeks for the second or subsequent sanction.

IS Mandatory Lone Parent Sanctions

103. IS lone parent claimants receiving IS solely on the ground of being a lone parent, whose youngest child is aged 3 or 4 are subject to mandatory WRA whilst on the Work Programme (if they volunteered on or after 28 April 2014).

104. If the claimant does not comply with WRA conditionality without good cause, a sanction may be applied and their benefit reduced by:

- 20% of the prescribed amount of the IS personal allowance rate for a single person aged 25 or above, from the first day of the next benefit week following the day on which the failure determination is made, until re-compliance with either the requirement to attend a mandatory interview or undertake the WRA or their benefit claim ends, and
 - an additional 20% for each further failure that occurs before the claimant recompiles.
105. A sanction is to be applied unless:
- the current failure is within 2 weeks of a previous reduction being put in place; **and**
 - the claimant's benefit is currently being sanctioned.
106. (both of these elements must apply in order that further sanctions are not imposed).

Complete/Review/Update The Work Programme Claimant Commitment, LMS & Action Plan

107. As information from LMS is transferred to the provider ensure that the following are updated:
- Work Programme Claimant Commitment
 - LMSAction Plan

Referral to Work Programme for claimants who have a JSA Claimant Commitment in place-Action Plan Update

108. From the end of October 2013 a new JSA Claimant Commitment was introduced for New JSA, New Claimants and Post Work Programme Completers. Jobcentres will roll out the new JSA Claimant Commitment at the rate of approximately 100 offices per month to the above claimants. Stock and under 18 cases are out of scope for the Claimant Commitment.
109. As a Jobseekers Agreement (JSAg) will not be created on LMS for these cases in order to transfer the relevant information to providers through PRaP the Action Plan "Aims" free text box must be completed with the following Claimant Commitment details:-
- Types of Work from the Claimant Commitment Jobseeker Profile
 - Any availability or work restrictions agreed on the Claimant Commitment
110. In all cases the "Aims" free text box will also need annotating with "JSA Claimant Commitment Case" as this will signal the difference to providers.
111. The above is required, as historic LMS JSAg information will be automatically transferred to providers when the referral is made.
112. The above action must be taken for any referral to Contracted Provision
113. The Action Plan "Aims" free text box is at the bottom of the screen.

View Action Plan - <client name>

File Edit Function Page Help

Detail **NActitm** **Spell** **Print** **Save** **Close**

Action Item:

This is an Example Action Item. The text will be displayed in the Action Item table as well as the free text box and any amendments will be made in the box.

Date Created	Created By	Ass	Target Date	Date Closed	Action Item
07/11/2005	A Smout	C	12/06/2005		This is an Example Act
10/03/2005	J Bradshaw	P	06/10/2005	08/10/2005	2nd example for action

Aims **EHist** **PCirc** **Quals** **Info**

Job Pref 1: **Butcher** SOC: **1111** Preferred Hours: **Either Full/Part Time**

Job Pref 2: **Baker** SOC: **1234**

Job Pref 3: **Candlestick Maker** SOC: **1342**

This box is for any additional information that has relevance to the job preferences and related data recorded. It can be amended by the user and will be saved as it appears. No other data will overwrite this and so changes are related to those made by the user rather than being overwritten by other data. Once this page is saved, it will remain as static data for the Action Plan.

Row 1 of 2

Work Programme Claimant Commitment

114. Claimants being referred to Work Programme will need to be issued with a Work Programme Claimant Commitment.

115. The Work Coach must populate the 3 available drop downs specific to the Work Programme Claimant Commitment within the 'My Actions for getting Work' section. These are:

- I will complete any activities my Provider arranges for me to improve my chances of finding work
- I will take any actions identified in discussion with my Provider that will help me find work
- I will continue to attend the Jobcentre to provide evidence of my work search activities.

116. To help encourage claimants to share their WP Claimant Commitment with their provider, the benefits of doing so must be explained to the claimant.

117. Sharing their Claimant Commitment will provide:

- a useful starting point to help the provider understand the level and type of activities a claimant had previously committed to undertake;
- information that providers can use for comparison purposes following their own assessment of claimant capability; and
- information on messaging around a claimant's non-compliance with work related requirements.

118. Although voluntarily sharing their Claimant Commitment will help the Provider to offer the claimant with the best support possible, the decision to share this ultimately lies with the claimant. Where a claimant chooses not to share, no formal action must be taken. However, we should continue to gently remind claimants of the benefits of doing so throughout their Work Search reviews [hyperlink to WSR guidance]

119. For JSA WP referrals,:

- Complete or review the Work Programme Claimant Commitment ensuring that;
 - only relevant job seeking activities are included; and

- time bound activities are removed
- ensure that any restrictions for JSA Lone Parents are recorded on the Claimant Commitment or other easements. For example availability during term times ;
- ensure that consideration is given to all groups who can restrict their availability and record any agreed restrictions on the Claimant Commitment For example Caring Responsibilities;
- confirm on LMS following current procedures; and
- inform the claimant that it is good practice to show their Claimant Commitment to the WP Provider

Note: Districts that have chosen to just complete a JSAg for JSA claimants and opted not to create an Action Plan as well will need to make sure that an Action Plan is created before referring to the WP. This will ensure that essential information from the JSAg is pulled through to the Action Plan and subsequently transferred to the WP Provider

LMS

120. You must ensure that the claimants LMS Customer record is fully updated prior to referral which must include that the correct Jobcentre is listed and the claimants contact details and address are correct.

121. For all WP referrals:

- update IT systems with any appropriate claimant changes. For example, qualifications;
- check if the claimant has an incident marker on their record;
- ensure that for IS lone parents with a youngest child aged 2 and under, who has volunteered to attend the WP on or after 28 April 2014:
 - the child details section of LMS is up to date; and
 - if the child turns 3 during the two years the claimant will spend on the WP, a workflow to notify the provider of any change in conditionality (if applicable) is set;
 - there is a record on the Action Plan that the LP has been advised participation becomes mandatory when the youngest child becomes 3 after 28 April 2014
- Update LMS conversations with any other relevant information.

122. For details on the information that must be recorded on LMS for ESA claimants, please refer to the ESA Work Programme Referral Guidance.

Action Plan

123. For all WP referrals:

- create or update the claimant's action plan from all relevant sources;
- If appropriate amend and confirm the claimant's action plan;
- ensure any accepted "restrictions" are detailed e.g. lone parent / carer availability restrictions;
- ensure if part of a Joint Claim that on the second member's referral you include details of their partner's full name, NiNo and that they are part of a joint claim;
- remove any sensitive or unsuitable information from the "Free Text Fields" which the claimant has not given permission to share;
- confirm with the claimant that it is accurate; and

- notify the WPP that they need to work with the ESF Provider, where one is in place, to ensure effective support for the claimant and ongoing conditionality for ESF.
- For IS lone parent claimants who will be subject to mandatory WRA activity whilst on the Work programme (i.e. receiving IS solely on the grounds of being a lone parent, whose youngest child is aged 3 or 4) record "Mandatory Referral" in the info tab field.
- In all referral cases you must record the issue of the WP05 or WP06 referral letter on the "Info Tab" of the Action Plan. This is to ensure there is a permanent record of the issue for decision making purposes. Failure to create an Action Plan and record the letter issue for Work Programme referrals will mean any doubts raised by providers could be automatically allowed.
- Some claimants may require support in understanding and accessing Jobcentre Plus or Work Programme Services. Where this is the case the Work Programme provider must be alerted to the fact that a claimant may need extra help. Where the claimant needs additional support to help them understand what is expected of them or access services, then the following words must be put on the action plan:
 - "May require reasonable adjustment or additional support"
- Do not use the words "vulnerable" or "safeguarding" as these words are used to alert the provider that certain ESA claimants require safeguarding action.

Refer Claimant

124. Before making the referral, ensure all claimants and in, particular volunteers:

- clearly understand what has been discussed
- revisit any areas of confusion; and
- have no questions unanswered, or concerns alleviated.

125. If volunteers have any concerns or doubts, delay the referral to allow time for them to reflect and book a follow up JP Non-caseload interview on LMS.

- In the majority of cases referrals to the Work Programme are done via the Work Programme marker.

Take LMS action via the Work Programme Marker as in LMS R34 Guidance to make the referral to the appropriate provider.

126. For mandatory claimants only, you must issue the appropriate LMS WP Referral Letter.

Note – Jobcentre Plus is unable to sanction claimants who have been issued with the wrong WP start letter.

Note - Following an entitlement or actively seeing employment disallowance or at each new claim the WP05 must be re-issued to the claimant.

127. For voluntary claimants Issue the following WP leaflet WP1V (voluntary referral)

Benefit Cap

128. JSA claimants who volunteer to access the Work Programme after 3 months of Pre-WP activity are referred using the Opportunity Type “JSA Benefit Cap” unless they meet any of the other Early Access criteria. If so, they **must** be referred using the appropriate Early Access Opportunity Type.

129. If claimants are referred using the Opportunity Type: “JSA Benefit Cap”, the Exemption Reason of “Exempt - Benefit CAP Claimant on WP” must also be recorded. This will prevent inappropriate hotspots and O/S Referral report entries being generated.

130. As part of the referral action, a note of “Benefit Cap Claimant” must be placed on the personal circumstances tab in the claimant’s Action Plan.

JSA Credits Only

131. Claimants who volunteer to access the WP will be referred using the appropriate Opportunity Type but are not obligated to engage or participate with the provider.

132. The personal circumstances tab in the claimant’s Action Plan is to be annotated: “JSA Credits Only - Voluntary Referral”, to inform the provider that no doubts are to be raised if this claimant fails to engage or participate with them.

133. However, doubts about a claimant’s availability or whether they are Actively Seeking Employment will still be raised.

134. If a provider does raise a doubt with the jobcentre about the claimant’s participation, no DMA action is to be taken.

135. Advisers may decide on one of two courses of action for those claimants who choose not to take up this option:

- Defer the referral if the claimant wants a short period of time to consider this option; or
- Record the claimant as exempt on LMS.

Clerical Cases

136. Claimants whose records are maintained clerically must not be referred to the WP Provider via LMS.

137. Complete the 3 page SL2 ensuring that:

- the amount of time the claimant is required to spend with their WP Provider is completed
- the correct claimant group identified
- Refer the claimant to the correct WP Provider ensuring Market Share is maintained
- attach a copy of the claimants action plan; and agree the content with the claimant before being shared with the provider
- print out a copy of the SL2 form and send all 3 pages with the action plan to the agreed nominated contact in the provider office.
- the PA must take a copy of part 1 of the SL2 so that they have a copy of the WP start date as there will only be a skeleton LMS record for Special Customer Record (SCR) cases.

138. **Note:** If the claimant has a LMS record the nominated person must exit them from the JP Marker within LMS using the exit reason – ‘other’.

139. When the WP Provider nominated contact receives the referral they must:

- return part 1 of the SL2 form to the Jobcentre Plus nominated person to confirm the 'start'
- return a copy of page 1 to the Provider Payment Validation team to claim the attachment fee

140. For mandatory claimants only, you must issue the appropriate LMS WP Referral Letter.

- for JSA claimants 'WP' Start Letter (JSA) WP05',
- for ESA claimants "WP" Start Letter (ESA) WP06', or
- for IS claimants "WP" Start letter (IS) WP30

Note – Jobcentre Plus is unable to sanction claimants who have been issued with the wrong WP start letter.

Note - Following an entitlement or actively seeing employment disallowance or at each new claim the WP05 (WP06 or WP30) and WP1M must be re-issued to the claimant.

Note - In all referral cases you must record the issue of the WP05 or WP06 referral letter on the "Info Tab" of the Action Plan. This is to ensure there is a permanent record of the issue for decision making purposes. Failure to create an Action Plan and record the letter issue for Work Programme referrals will mean any doubts raised by providers could be automatically allowed.

141. Issue the WP leaflet to the JSA, ESA or IS claimant; WP1M (mandatory referral) and WP1V (voluntary referral).

142. Give IS and IB claimants a nominated contact and telephone number for someone in the jobcentre if they have any issues. Insert the details in the box on the WP1 leaflets.

143. Give the claimant the provider's name.

144. All claimants must be given the material produced by the provider, which will explain the provider's minimum service offer. The adviser must explain what level of service the claimant can expect to help them prepare for their journey on the WP. The provider products and discussion will positively set the scene for the claimant before they start.

145. You must explain the claimant's rights to complain if they are unhappy with the treatment they receive from the provider during their time on the WP.

146. You must continue to record Other Actions using current functionality. If, exceptionally, you are unable to confirm that the claimant's JSaG/Action Plan are accurate and up to date, then you must record an 'Unable to Complete – Mandatory Action' action before you can end the interview.

147. Follow the locally agreed process to ensure a smooth referral of the claimant to the WP Provider (**NOTE: this could be contacting them to arrange an appointment etc...**)

148. Make a final check to ensure that the claimant has been appropriately referred, based on the attributes held on LMS.

NOTE: This is the last point at which any corrections can be made, to ensure that the claimant's attributes are correct.

149. If, after all the checks and having saved the WPR, the adviser has made or thinks they have made, an incorrect referral follow the instructions in the Inappropriate Referral section of the LMS R34 Guidance.

Market Share

150. Market share is the equal number of referrals to each WPP in a Contract Package area (CPA) until 31st March 2013.

151. Other than in clerical cases, LMS will ensure that appropriate Market Share is applied when identifying the appropriate referral Opportunity Type.

Managing Market Share in Clerical Cases

152. To effectively manage Market Share, referrals to the WP must be made to the 'correct' LMS opportunity. For example, the correct claimant group opportunity with the least number of referrals against it, that is, 'least loaded'

153. The provider is randomly allocated by the system and not determined by the JCP or claimant preference

154. To ensure accurate Market Share, referrals will be monitored:

- by PAs when they make each referral ensuring it is to the least loaded (every referral);
- locally by Jobcentre Plus Offices through QAFs, and other checks, ensuring quality standards are met; and
- at a contract package level by Performance Managers. (monthly)

155. Currently Market Share for the WP, is:

- 50% 50% where there are 2 providers; and
- 33% each where there are 3 providers.

Managing Work Programme Standalone referrals under market share shift

156. When the Work Programme was introduced contracts stated that Providers would initially receive an equal share of the claimant referrals within their Contract Package Area (CPA).

157. However contracts allowed that where Providers were eligible and outperformed their competitor(s) the market share ratio could be revisited with the more successful provider receiving a larger market share of referrals. This is reviewed by the Work Programmes and Provision Performance Controls Divisions at specific intervals and Districts will be informed of any changes.

158. Revised market share ratios are typically implemented and managed automatically via core LMS functionality. However, market share within some client/payment groups, where stand alone opportunity types are used to make referrals, have to be managed manually at the point of referral. For example 'WP ESA Mandatory (IR) WRAG 12M'.

159. From the 1st of April 2015 a range of providers delivering the Work Programme have performed well enough within payment Groups 6b ('WP ESA Mandatory (IR) WRAG 12M'), 7 and 9 (Day One Ex-Prisoners) to have their referral share increased.

160. The variation in referral share will be as follows;

- In a CPA where there are 2 Providers -55% and 45%
- In a CPA with 3 Providers 38.3% , 33.3% and 28.3%
- In one CPA due to the providers continued good performance a 60% and 40% split is in place. (CPA16 PG2 and 6)

161. This guidance details the actions required within the jobcentre or by the EBA adviser to maintain the correct market share when making a Work Programme referral.

How do I ensure Market Share is applied when selecting a Work Programme Opportunity?

162. In the majority of cases claimants are referred automatically to the correct provider by LMS and no intervention is required by the adviser. However claimants that are referred via stand alone opportunities require the adviser to manually select the provider and ensure that market share is maintained. These are:

- WP JSA Benefit Cap (PG 3)
- WP ESA Mandatory (IR) WRAG 12M (PG 6B)
- WP ESA (IR) WRAG 12m Mandatory EX-IB (PG 7)
- WP ESA 18-24 Prog Pilot (PG7)
- WP JSA Ex-Offender Day1 Mandation (PG 9)

163. As Contract Package Areas contain a mixture of two or three providers there are variations in the shares of referrals.

Note: The impacted Payment Groups and CPA information is detailed in the table below.

How do I ensure Market Share is Applied.

164. For the 2015/2016 operational year the following market share shift will be applied to the standalone opportunities and Contract Package Areas.

165. Referrals to these opportunities will need to be monitored closely to ensure the correct market share is achieved.

166. Each time a case is to be referred to this opportunity an adviser must check LMS to determine which provider to refer the claimant to.

167. Open the 'View Opportunity' window for each opportunity within the 'List of Vacancies' window by selecting the opportunity and clicking on the [Detail] button;

View Opportunity No: 3170(PRC) - TESTER

File Edit Function Hotspots Help

Copy New Amend Prov Refer RefHis Push Print Notes Keep Save Close

Opp Type: OPPORTUNITY Input

Prov Cat: WP JSA ExOffender Day1 Mandation

Title: TESTER

Grp at Risk: No

District: SOUTH YORKSHIRE

Allowance: TBC

Hours: TBC

Duration: 3 MONTHS

SOC: Status: Open

No Req : 20 No Out: 19
Limit: 100 Refs: 2

Info/Rmrks Ref Arr Work Patterns Postcode
Qual/Cnrct Ref Info Exempt/Restrict EURES

168. Click on the 'Ref Info' tab on each opportunity's 'View Opportunity' window to display the opportunities 'Refs:' field and the number of referrals made to the opportunity;

169. To determine which provider should be selected look at the 'Refs' field for each opportunity and insert the current figures for both Providers in the Provider Identification Tool [insert link].

170. Selecting the opportunity indicated by the Provider Identification Tool in this manner will maintain both:

- Appropriate referrals for Market Share; and
- Random Allocation of referrals.

171. Remember – there is NO claimant or Adviser 'choice/recommendation' when selecting the Opportunity/WP Provider.

Provider Identification Tool

172. To identify which provider to refer a claimant to a selection tool has been developed.

173. In previous years we have only had one type of referral shift which was a 55%/45% ratio.

174. As a result of improved performance we now have five variations in market share:

- Standard 50%/50% (operates in CPAs with two providers
- Standard 33.3%/33.3%/33.3% (Operates in CPAs with three providers)
- Market Share 55%/45% (Operates in CPAs with two providers where one has out performed the other)
- Market Share 38.3%/33.3%/28.3% (Operates in CPAs with three providers where one has out performed the others)
- Market Share 60%/40% (operates in a CPA where one provider has out performed the other over two years)

Note: It is possible for a provider to gain an additional 5% after 2 years in a three CPA area but this has not yet occurred.

How to use the Provider Identification Tool

175. In the Input Fields Tab (1)
 - Ensure all the fields have been reset by clicking the 'Reset ALL Provider Identification Tool Fields' button
 - Navigate to the relevant area of the 'Input Fields worksheet', for example: PG3, PG6B, PG7 or PG9
 - Enter the number of providers. (the entry box has a drop down for 2 or 3 providers)
 - Enter the names of the providers.
 - Enter the % share for each provider.
176. Open the Provider Identification Tool at the relevant Tab. (PG3, PG6B, PG7 or PG9)
 - Input the number of referrals from the opportunity for each provider.
 - The tool will now display which provider the referral must be made to.
 - Reset the fields and exit the tool.
177. Make the referral to the published provider.

Market Share Shift rates for 2015/2016

178. The following table gives the Market Share shift levels for 2015/2016 referrals by CPA and Payment Group and must be used to establish if Market Share is applicable.
179. Where no % shift is highlighted then in 2 provider CPA's the shift is 50/50, in 3 provider CPA's it is 33.3% each.

CPA	Work Programme Market Share Referral Percentage								
	Prime	PG 3		PG 6b		PG 7		PG 9	
1	Ingeus		55			55			55
	Seetec		45			45			45
2	A4E				45		45		45
	Ingeus				55		55		55
3	Ingeus		33.3		28.3		38.3		
	Maximus		28.3		33.3		33.3		
	Reed		38.3		38.3		28.3		
4	A4E		33.3		28.3		33.3		28.3
	Shaw Trust		38.3		38.3		38.3		33.3
	Seetec		28.3		33.3		28.3		38.3
5	Avanta				45		45		
	Ingeus				55		55		
6	A4E		45		45				
	Ingeus		55		55				
7	Avanta		33.3		33.3		28.3		28.3
	G4S		38.3		28.3		38.3		33.3
	Seetec		28.3		38.3		33.3		38.3
8	Ingeus				55		55		
	Working Links				45		45		
9	A4E		45		45		45		45
	Maximus		55		55		55		55
10	Avanta				55		45		
	G4S				45		55		
11	Prospects		45		55				
	Working Links		55		45				
12	Learn Direct				50				
	Rehab Jobfit				50				
13	Rehab Jobfit		45		45				45
	Working Links		55		55				55
14	EOS-Works		38.3		28.3		28.3		38.3
	NCG		33.3		33.3		38.3		33.3
	Pertemps		28.3		38.3		33.3		28.3
15	ESG				55				
	Serco				45				
16	Ingeus				60		55		55
	Interserve				40		45		45
17	A4E		45		55		55		45
	Serco		55		45		45		55
18	G4S								
	Maximus								

Jobcentre Plus checks

180. The current Adviser QAF 5 has a suitable check under 'Programmes and Support activity' that will ensure standards are met.

181. Where referrals are not made following the correct process, corrective action must be taken to ensure PAs understand how to identify the least loaded provider.

Provision Management checks

182. Performance Managers (PM) will monitor for Market Share at payment group. Where a breach is identified the PM will liaise with Third Party Provision Managers (TPPMs) / District Employer and Partnerships Teams who will in turn notify Jobcentre plus to take corrective action.

Closing the Work Programme Referral

183. Complete a final check that all data is complete and accurate in order to ensure a smooth referral to the provider.

Special Cases

Sensitive Cases

Multi Agency Public Protection Arrangements Cases (MAPPA)

184. Claimants who have been granted MAPPA status will be referred to the WP Provider via LMS unless the customer is also marked as 'Special Customer Record'.

Special Customer records

185. As Special Customer Record claimants will have been referred clerically they will not appear on the LMS MIS report for completers. It is highly likely that no action has been set in place to identify their completion dates. We have now added instructions in the Special Customer Record Section of the Work Programme Referral guidance to overcome this in future. Offices/Responsible Managers are therefore asked to check any Special Customer Record Work Programme participants to establish the 102nd week of participation. The referral date can be found on the SL2 referral form and a LMS Workflow or other reminder if possible should be set to request the exit report.

186. The address field on LMS must be annotated as in the LMS User Guide.

187. The JCP nominated officer must contact the WPP to inform them of the claimants address and determine whether the WPP needs to be made aware of the restrictions contained in the MAPPA notification form as instructed in the current MAPPA guidance.

Special Customer Record (SCR)

188. Claimants who have been granted "Special Customer Record" status must not be referred to the WP Provider via LMS.

189. Complete the 3 page SL2, ensuring that:

- the amount of time the claimant is required to spend with their WP Provider is completed;
 - the correct claimant group identified;
 - the claimant is referred to the correct WP Provider, ensuring Market Share is maintained;
 - the content of the action plan is agreed with the claimant before it is attached to the SL2;
 - a copy of the SL2 form is printed and all 3 pages with the action plan are sent to the agreed nominated contact in the provider office;
 - a copy of part 1 of the SL2 is retained so that a copy of the WP start date is held, as there will only be a skeleton LMS record in these cases;
 - When referring a Special Customer Record to the Work Programme clerically you need to ensure a trigger is created to request an exit report from the provider. This can be done by setting a workflow in LMS for 102 weeks from the agreed start date. If the responsible officer feels this is not safe to set in LMS then the provider must be informed to send the report on its due date. A diary entry could also be created in Outlook to trigger the request when due.
190. **Note:** If the claimant has a LMS record, the nominated person must exit them from the JP Marker within LMS using the exit reason – ‘other’.
191. When the WP Provider nominated contact receives the referral, they must:
- return part 1 of the SL2 form to the Jobcentre Plus nominated person to confirm the ‘start’; and
 - return a copy of page 1 to the Provider Payment Validation team to claim the attachment fee.

Joint Claims

Identification of Joint Claim

192. If you identify that the claimant is part of a joint claim, you must check the LMS record for any JSA conditionality exemptions for their partner.
193. If the partner is not exempt, inform the claimant that their partner will also be referred to the same WP Provider at the same time.
194. Book a WPR for the partner (if not attended at the same time) as soon as practicable.
195. For more information regarding Joint Claims and the Work Programme, see paragraph 108 the LMS R34 Guidance.

Joint Claim and JSA Conditionality Exemption applies to partner

196. If the partner is exempt, inform the claimant that their partner will not be referred to the WP at this stage but that they can volunteer to join.
197. If the partner volunteers for the WP, inform them that their exemption will be reviewed and follow existing guidance
198. Once the partner’s exemption period ends, invite them to attend an interview.

199. From the point the exemption is ended and a further exemption is not requested or granted, the partner will follow the JCP Offer and associated WP eligibility from day one.

200. At the point of their referral to the WP, they must be referred to the same WPP as their partner.

Joint Claim Customer Volunteers for Early Access to the WP

201. If the claimant volunteers to be referred to the WP under the Early Access provisions and you identify that they are part of a joint claim, contact the claimant's partner (if not attended at the same time) to encourage them to join the WP. They cannot be mandated.

202. If the partner volunteers, arrange a WPR for the partner (if not attended at the same time) as soon as practicable.

203. If the partner does not volunteer, as the claimant is already on the WP, treat their claims as separate for the purposes of the referral to the WP.

204. At the point of referral to the WP for the partner, they must be referred to the same WPP as the claimant.

JSA Lone Parent

JSA Lone Parent with a youngest child aged 12 or under

205. The Jobcentre must ensure that a JSA lone parent claimant with a youngest child aged 12 or under is made aware of their right to restrict their availability to school hours

206. If the right to restrict their availability during school hours is already in place, the age of the youngest child should be confirmed by checking the claimants LMS record. If their LMS record does not include child details, check details on Claimant Information System (CIS) and update LMS.

207. If a JSA claimant chooses to exercise these rights to restrict their availability to school hours, details of the hours and days they are available must be recorded on the claimant commitment or action plan. Also record that these restrictions are because the claimant has exercised this right, as a Lone Parent.

208. If the youngest child is due to reach age 13 during the period of the WP, the claimant must be advised that, from that point, they can no longer restrict their hours to school hours, as a right.

209. For JSA claimants a workflow must be set for the JR before this will occur. At that JR arrange for the lone parent to attend an intervention, to review the claimant commitment/JSAg, regarding their availability to look for work. See Change of Circumstances process for notifying the provider.

210. Claimants must contact their provider immediately if they will require childcare in order to attend an activity on the Work Programme, as depending on their circumstances, providers may be able to arrange this and cover their costs. This is set out in the letter providers send to claimants - see Annex 1 of chapter 3 of the Provider Guidance <http://www.dwp.gov.uk/docs/wp-pg-chapter-3a.pdf>.

IS Lone Parent

211. Mandatory IS claimants can only be required to undertake Work Related Activity (WRA) during normal school hours or any periods during

which the lone parent entrusts temporary supervision of their child to a person over the age of 18, not including any form of health care for the child. Record details on the Action Plan.

212. For details on Work Programme participation for ESA lone parents whose youngest child is under the age of 12, please refer to the ESA Work Programme Referral Guidance.

IS Lone Parent with Child Under 3

213. For those IS claimants receiving IS solely on the grounds of being a Lone Parent, who volunteer after 28 April 2014 and whose youngest child will turn 3 during their 104 weeks on the WP, you must create a work flow to take action prior to the child's 3 birthday. Note the information in LMS conversations.

Note: From 2nd March 2015 access to the Work Programme for IS Lone Parent Claimants receiving IS solely on the grounds of being a lone parent, whose youngest child is aged 3 or 4 will no longer be available. The last referral date was 27th February 2015.

214. Ensure there is a record on the Action Plan that the LP has been advised that their participation will become mandatory when their youngest child becomes 3 and the consequences of not participating.

No Fixed Abode / Person without Accommodation

215. For NFA (No Fixed Abode) claimants with a correspondence address, advisers must ensure that -

- the correspondence address given for the NFA claimant will be where the provider can contact them; and
- if a claimant changes their correspondence address, it is important that they notify JCP immediately, as failure to inform could result in claimant facing a sanction which may affect their benefit

216. If a claimant is a PWA (Person without Accommodation), they do not have a correspondence address. The adviser must inform the claimant that all correspondence will come to the JCP office and they must come and collect it. If they do not attend the JCP office regularly to check if any correspondence from the provider has been received, it could result in the claimant facing a sanction which can affect their benefit.

Fail to Attend or Fail to Participate in Work Programme Referral

217. For JSA claimants who fail to attend their WPR, follow existing guidance. If appropriate, book another WPR for the claimant.

218. For ESA claimants whose participation on the WP is mandatory and who fail to attend their WPR or fail to participate in the interview, follow Fail to Attend/Fail to Participate guidance. Do not book another NJWFI/WPR or take any further action.

219. There will be no further action required if a voluntary customer fails to attend.

Claimant on Work Programme asks DWP to stop sharing their information with Work Programme contracted providers or delete their information held by DWP or contracted providers

220. Since the set up of the Work Programme, DWP has received correspondence from claimants participating on the Work Programme formally withdrawing their consent for DWP to process their personal information. Typically, the claimant withdraws his consent if DWP does not comply with his request for the destruction of all electronic and clerically stored personal information held by DWP (for the purposes of the Work Programme), Work Programme agents, partners or providers (including subcontractors). The claimant's request is typically based broadly on his claim that the Work Programme data controller/data processor relationship was not explicitly explained to him and therefore he does not consider that DWP, its agents, partners or providers (including subcontractors) are holding his personal information on the basis of any specific, fully informed, freely given or voluntary consent.

221. If DWP, as a **data controller**, contracts an organisation to provide it with a service which entails the processing of personal information and DWP determines the purposes for which that organisation, as **data processor**, will process that information, then there is **no** requirement to obtain the claimant's freely given and fully informed consent. Section 3(2) of the Social Security Act 1998 permits a **legal basis** for the sharing of personal information by DWP and its contracted providers to exercise its functions in relation to social security, child support and war pensions. Paragraph 1 Schedule 6 of the Employment Act 2002 amends section 3 of the Social Security Act 1998 by broadening the range of information covered by the Act to also include employment and training.

222. As the processing of the claimant's personal information for the purposes of the Work Programme is processed under legislation by DWP, in order to fulfil our statutory obligation to actively assist people to move from benefit dependency and into work, compliance with a request in this circumstance is inappropriate.

223. Example of a suggested response to these claimant's requests.