

## **Extract from the Labour Market Conditions Guide in respect of JSA28 procedure when claimant declares a period of sickness.**

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

#### **Temporary periods of sickness**

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

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

#### **Claimant does not provide a Statement of Fitness for Work**

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

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

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

**Note:** the first 12 month period commences on the first day of the jobseeking period.

4. For example:

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

5. Each period of sickness must not exceed 14 days and must not fall within eight weeks of an earlier claim to Statutory Sickness Pay (SSP), beginning with the day that the person ceased to be entitled to SSP.

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

- They have had a period of temporary sickness on two occasions in any JSP or within each successive 12 month period if the JSP lasts for longer than 12 months; or

- The period of sickness exceeds 14 days; or
  - They ceased to be entitled to SSP within the previous eight weeks.
- In these circumstances the claimant must be advised to make a claim to ESA.

### **Claimant notifies sickness**

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

### **Claimant notifies sickness on or before their attendance day**

8. If the claimant makes contact on or before their day of attendance and states that they will not be able to attend due to sickness, ask them how long the sickness is likely to last.
9. Issue a form JSA28 and warn the claimant that payment for the period which, includes the days of sickness, cannot be made until the form has been returned and considered. The return by date on the JSA28 should be the 14<sup>th</sup> day after the period of sickness began.

### **Third party notifies claimant is sick and unable to attend**

10. There may be times when the claimant cannot tell anyone about their sickness in person, and may ask someone to do it on their behalf either in person or by telephone.
11. If a third party makes contact on or before the claimants' normal day of attendance and states that they will not be able to attend due to sickness, issue form JSA28 for completion by the claimant. The return by date on the JSA28 should be the 14<sup>th</sup> day after the period of sickness began.

### **Claimant attends at their usual time and declares sickness**

12. A claimant may attend at their usual time but say they have not been ASE because they were sick.
13. The claimant must complete form JSA28, and consideration should be given as to whether the period of sickness would reduce the steps needed to satisfy the ASE condition.

### **Claimant declares sickness as the reason for Failing to Attend**

14. If the claimant states that they failed to attend (FTA) due to sickness, issue form JSA28.
15. A decision from the LMDM on whether the claimant had good cause will not be necessary for the day that they FTA providing that the claimant can be treated as available.
16. In all cases the claimant must be warned that payment for the period which includes the days of sickness cannot be made until the completed form has been returned and the reasons for FTA have been considered.
17. See the Fail to Attend Interviews and Jobsearch Reviews chapter for further information.

### **Action to take on receipt of the completed JSA28**

18. Once form JSA28 has been issued to the claimant it should be completed and returned as soon as possible to avoid delay in payment.
19. On receipt of the completed form JSA28 check:
- the dates of sickness ;
  - whether the claimant has had a prior claim to SSP within eight weeks of the first date of sickness declared;
  - whether the period of sickness is for 14 days or less;
  - whether the claimant has declared any previous periods of sickness in the JSP or last 12 months;
  - that the claimant has given specific information about their illness, saying 'not well' or 'ill' is not sufficient.
20. Record the following in LMS Conversations:
- the start date of the sickness;
  - the end date of the sickness if known; and
  - any details given about the sickness

### **Claimant can be treated as capable of work**

21. If the claimant is declaring their **first or second period of sickness**, and the Jobcentre can treat the period as straightforward, they should input dialogue JA470 into JSAPS to pay the claimant, and then send the completed JSA28 to the BDC.
22. Form ES673 should be completed and attached to the LMU, if this has not already been done, to show the claimant has been treated as available and ASE.
23. The claimant can be excused attendance if they notify sickness on or before their attendance day.

### **BDC record that claimant can be treated as capable of work**

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

### **Claimant cannot be treated as capable of work**

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

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

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

### **No end date of sickness on JSA28**

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

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

### **Sickness in a backdated claim period**

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

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

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

See example 8 and example 9.

### **Availability and Actively Seeking Employment**

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

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

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

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

See example 10.

### **Advance use of JSA28 procedures**

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

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

### **Claimant provides a Statement of Fitness for Work**

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

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

39. If a claimant provides a Statement of Fitness for Work (medical statement) and their Doctor has ticked “you are not fit for work”, they can be treated as capable, available and ASE.
40. The claimant can declare two short periods of sickness, without their entitlement to JSA being affected, in exactly the same way as a claimant that does not provide a Statement of Fitness for Work.
41. Each period of sickness must not exceed 14 days and must not fall within eight weeks of an earlier claim to Statutory Sickness Pay (SSP), beginning with the day that the person ceased to be entitled to SSP.
42. See claimant does not provide a Statement of Fitness for Work for further information

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

43. If a claimant provides a Statement of Fitness for Work (medical statement) and their Doctor has ticked “you may be fit for work taking into account the following advice”, they do not need to be treated as available and ASE or claim an alternative benefit.
44. Consider the claimant’s availability and any restrictions which may be appropriate in light of the Doctor’s comments. If the JSAG needs to be reviewed or amended, arrange an adviser interview.
45. Claimants can restrict their availability because of a physical or mental condition; see Restrictions because of physical or mental condition for further information.

### **Absence abroad accompanying partner who receives a pension or disability premium**

46. Claimants can be treated as available for a maximum of 4 weeks at a time where;
- they are one of a couple, by couple we mean:
    - a man and a woman who are married to each other and members of the same household,
    - a man and a woman who are not married to each other but are living together as husband and wife,
    - two people of the same sex who are civil partners of each other and members of the same household, or
    - two people of the same sex who are not civil partners of each other but are living together as if they were civil partners;
  - both are absent from Great Britain; and
  - one of the following is payable in respect of the claimant’s partner;
    - any type of pensioner premium;
    - a disability premium;
    - a severe disability premium.

They are also treated as being in Great Britain.

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

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

49. In these cases:

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

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

### **Person who normally looks after a child is unavailable**

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

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

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

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

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

55. In these cases:

Step	Action
1	ask the claimant to complete form JSA460 with details of: <ul style="list-style-type: none"> <li>• their temporary caring responsibilities;</li> <li>• dates;</li> <li>• the name of the person who normally looks after the child; and</li> <li>• the reason they are unable to do so;</li> </ul>
2	check whether the claimant has had previous periods where they

	have been treated as available for this reason;
3	send the JSA460 to the BDC who will input dialogue JA091: Maintain Claim Details to JSAPS and payment of JSA will be made automatically without the need to confirm attendance;
4	complete form ES673 by: <ul style="list-style-type: none"> <li>• ticking box 'G'; and</li> <li>• entering the dates;</li> </ul>
5	attach the ES673 to the front of the LMU to show attendance is excused;
6	tell the claimant when they will next be required to attend after the period they are treated as available and explain that if they are unable to attend they should let Jobcentre Plus know to avoid their claim being terminated.

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

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

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

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

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

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

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

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

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

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

65. In these cases:

Step	Action
1	ask the claimant to complete form JSA460 with: <ul style="list-style-type: none"> <li>• the details of their caring responsibilities;</li> <li>• the name of their partner; and</li> <li>• the dates they will be absent;</li> </ul>

2	pass the JSA460 to the BDC who will input dialogue JA091: Maintain Claim Details;
3	record details of the claimant's temporary caring responsibilities on LMS 'Client Conversations' screen;
4	if the claimant can be treated as available they can also be excused attendance. Complete ES673 by: <ul style="list-style-type: none"> <li>• ticking box 'K'; and</li> <li>• entering the dates to be treated as available;</li> </ul>
5	attach the ES673 to the front of the LMU to show attendance is excused;
6	tell the claimant when they are next required to attend. Explain that if they cannot attend they must contact Jobcentre Plus to avoid their claim being terminated.

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

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

### **Claimant is taking a child abroad for medical treatment**

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

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

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

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

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

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

73. In these cases:

Step	Action
1	ask the claimant to complete form JSA460 with details of: <ul style="list-style-type: none"> <li>• their absence from Great Britain;</li> <li>• the country they are going to;</li> <li>• the dates of absence;</li> <li>• the name of the child or young person receiving treatment; and</li> <li>• the nature of the treatment;</li> </ul>



2	pass the JSA460 to the BDC who will input dialogue JA091: Maintain Claim Details;
3	record the details of the claimant's absence on the LMS 'Client Conversations' screen;
4	complete form ES673 by: <ul style="list-style-type: none"> <li>• ticking box 'H(2)'; and</li> <li>• entering the dates;</li> </ul>
5	attach ES673 to the front of the LMU;
6	tell the claimant on what date they will next be expected to attend. Explain that if they do not do so their claim may be terminated;

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

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

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

## **Ex-Incapacity Benefit and Employment Support Allowance Claimants**

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

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

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

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

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

## **Action to take**

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

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

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

83. If they do not accept the backdated claim refer the Labour Market doubt to the LMDM for an opinion for credits purposes.
84. If the claimant is not available for any reason on the treat as made date, or cannot be treated as available for any of the reasons stated earlier in this section, refer to the LMDM as the claimant cannot be treated as available under this provision.

## **National Health Treatment Abroad**

85. From 4 October 2004 claimants can receive National Health Treatment abroad and remain in receipt of JSA.
86. When a claimant states they are going abroad for NHS funded treatment they should complete JSA460 and provide supporting medical evidence for the whole of the absence from GB.
87. To continue to receive JSA they must have satisfied in full the conditions of entitlement immediately before beginning the temporary absence.
88. Claimants need to provide a contact name, address and phone number for our use during their absence. In return they must be given a named contact in the office to notify any further changes.
89. Advise the claimant that any further changes in circumstance must be notified as soon as possible. For JSA(C) claimants check whether the date of exhaustion is during the period of absence and issue the appropriate claim form for JSA(IB) so the claim can be processed at the earliest opportunity.
90. Inform the claimant they will need to contact us immediately they return to GB so we can establish the most appropriate benefit for them.
91. Record the absence on LMS conversations and JSAPS notepad and complete ES673JP and attach to the LMU.

## **Claimant attending court or tribunal**

92. If a claimant is required to attend a court or tribunal for any reason, for example jury service, as a defendant or as a witness, they can be treated as available and ASE for up to 8 weeks from the first date of attendance in court.
93. They will still have the option of claiming Income Support and closing their JSA claim or claiming for any loss of benefit from the court (JSA(C) only). They would only be expected to take this course of action if the court had advised them that their involvement in the proceedings would last longer than 8 weeks.
94. Ask the claimant for proof of the court/tribunal attendance. If they have no evidence immediately available explain that we need to see some evidence before we can treat them as available and ASE.
95. Explain that we can treat them as available and actively seeking employment for up to 8 weeks and ask whether they want to continue receiving JSA or close their claim and claim IS or from the court. If they close their claim they will need to make a new claim as soon as the court/tribunal proceedings have ended. They will also need to make an application for National Insurance Contribution Credits for the time they were in court/tribunal.
96. Keep a record of the claimant's choice with a copy of the evidence provided of the court/tribunal attendance. In all cases remind the claimant that

they must attend the Jobcentre as soon as they are no longer required by the court/tribunal.

### **Claimant wishes to continue claiming JSA**

97. If they wish to continue with their claim for JSA, complete form ES673JP, indicating in the relevant box the reason they are being treated as available and actively seeking employment, and attach to the LMU to avoid the claim being closed as failed to attend.

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

### **Claimant wishes to close their JSA claim**

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

### **Joint Claims**

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

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

### **Detained in Custody**

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

103. If the claimant is in police custody for more than 96 hours or they are not released (for example they are remanded in custody or imprisoned), then they cannot be treated as available and/or ASE for any of the period they are held in custody.

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

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

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

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

## Payday and Periodicity

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

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

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

110. See example 14

## Examples

### Example 1

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

### Example 2

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

### Example 3

- the claimant makes a claim on Friday 19 July and asks to backdate it to 15 July;
- they are given a week ending of Wednesday;

- they are treated as available/ASE for the first week of their claim to Wednesday 24 July;
- the period in doubt to be referred to the LMDM is Monday 15 July to Thursday 18 July.

#### **Example 4**

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

#### **Example 5**

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

#### **Example 6**

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

#### **Example 7**

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

#### **Example 8**

- the claimant attends a New Jobseeker Interview;
- he wishes to backdate his claim because he was ill the week before;

- when questioned he states that he was only ill for the last three days of the week in the backdated period and for the other days he was attending interviews;
- form JSA5 is issued with a form JSA28 and both are referred for decisions.

### **Example 9**

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

### **Example 10**

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

### **Example 11**

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

### **Example 12**

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

### **Example 13**

- Liam, who has a six year old son Lennon, attends his Jobsearch Review appointment and expresses concerns as the school holidays are approaching. Liam has made enquiries about childcare for the school holidays but has been unsuccessful. As a result, he is unable to come into the office during the school holidays for his Jobsearch Reviews.
- The Jobsearch Review officer completes ES673JP and books Liam an appointment with the PA to make a decision.
- Using knowledge of local childcare arrangements, the PA treats Liam as available for work for the duration of the school holiday period and sets a work flow to mature towards the end of the school holidays to contact Liam reminding him to start coming into the office again.

### **Example 14**

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