

## Skills Provision (England only)

### Referrals and Signposting

1. Where evidence gathered at any Work Focused Interview suggests:
  - **A clear skills need which is the main barrier to the claimant from moving into work** – Mandate to appropriate local provider for an Initial Provider Interview for further assessment, to confirm:
    - Whether training would be suitable
    - Whether a fully funded place is available.
  - **A less clear skills need or unclear job goals** – Mandate to National Careers Service Adviser for face-to-face appointment.
  - **No skills need as a barrier to work but the claimant is interested in upskilling** – Signpost the claimant to Skills Provider / National Careers Service.

### Skills Conditionality

2. Attendance and participation are mandatory for all referred JSA and ESA WRAG claimants. This includes Initial Provider Interviews and training (where the skills need is the main barrier to them gaining employment and a funded place is available).
3. Non-attendance, failure to participate or failure to complete training (without good reason) **must** be passed to a Decision Maker and may result in a benefit sanction.
4. An overview of Skills Conditionality is included in section 3 of the Skills Guide.

### 24+ Learning Loans and Skills Conditionality

5. From August 2013, claimants aged 24+ who wish to undertake training at level 3 or above will need to take out a 24+ Advanced Learning Loan, unless DWP will meet the costs of the course.
6. Where DWP will meet the costs of the course, claimants can be mandated under Skills Conditionality.
7. Where DWP will not meet the cost, the claimant will be required to take out an Advanced Learning Loan and cannot be mandated. Claimants should be signposted to colleges/training organisations to discuss their eligibility for Loans. See the 24+ Learning Loan briefing for further details.
8. 24+ Learning Loans are disregarded in relation to entitlement to JSA.

### Non JSA or Non ESA WRAG

9. Non JSA and Non ESA WRAG claimants can still be referred to National Careers Service and/or skills provision using the same LMS opportunities, however referral and participation are non mandatory.

### Signposting to Skills Provision

10. Where a skills need is not the main barrier to work but the claimant is interested in upskilling, signpost to a skills provider.
11. To Signpost:

- Issue and material available about the provision to the claimant eg. Local leaflets.
- Record signposting action in 'Jobsearch review' box by selecting: 'Refer to other organisations'.
- Inform claimant that they will be required to confirm their benefit status with providers.

### **Self-Marketed claimants**

12. Where a claimant makes their own training arrangements with providers it is the claimant's responsibility to provide proof of benefit status to providers.

13. Part -time JSA claimants must notify Jobcentre Plus of their provision arrangements on form ES567S.

14. In these cases, existing JSA conditionality applies and claimants must notify Jobcentre Plus that they are undertaking part time activity and continue to be available and actively seeking work.

15. Those claimants eligible for fully funded training who self-market or are signposted to providers or National Careers Service may have their travel and childcare costs paid by

- Jobcentre Plus via the Flexible Support Fund (at district discretion) or
- The training provider (local arrangements).

### **Explaining about Back to Work Schemes**

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

- About the conversation they had at their NJI or Adviser interview regarding Back to Work Schemes which will help their prospects of employment.
- About the Back to Work Scheme Guide they were signposted to during that interview, which contains 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.

17. For claimants who wish to revisit the information but cannot easily access the internet or cannot access an internet access device within the Jobcentre eg because of a health problem or disability:

- Print and issue a copy of the Back to Work Schemes Guide.

### **Initial Provider Interviews (Skills Conditionality)**

18. **All** referred claimants must attend an initial provider interview for an assessment to ensure that a fully funded place is available to meet the claimant's needs.

19. Irrespective of when the initial provider interview takes place, attendance is mandatory under Skills Conditionality.

20. Where the initial provider interview takes place on a date prior to the provision start date, use the Provider requires Initial Provider Interview on date prior to provision start date section of this guidance.
21. Where the initial provider interview assessment is on the same day as the start date of the provision, combined referral letters can be used for Skills Providers. See the Provider requires Initial Provider Interview same day as provision start section of the guidance.
22. Some claimants may have had an assessment prior to them claiming benefit (for example where claimants have been assisted by the Rapid Response Service). In these cases a referral direct to provision should be made- see referral to provision.

## Referral to Initial Provider Interview

23. Where screening identifies a potential skills need, arrange a referral to an appropriate provider.

### Provider requires Initial Provider Interview on date prior to provision start date

24. Where the provider requires the Initial Provider Interview to take place;
- At an alternative venue or
  - On a date prior to the provision start date:

Step	Action
1	Explain to the claimant the benefits of training and how it will help them move closer to the labour market.
2	Explain about Back to Work Schemes
	Contact the provider to arrange an appointment.
3	Explain to the claimant that the Skills Funding Agency provider will: <ul style="list-style-type: none"> <li>• Talk to them about their skills;</li> <li>• Job goals; and</li> <li>• Identify any help that is available to them;</li> </ul>
4	Explain that help with travel costs, childcare and replacement care costs to attend the first provider assessment interview is available;
5	Select the 'Skills Cond – Initial Provider Interview' opportunity type on LMS; <ul style="list-style-type: none"> <li>• Set the 'Referral' field to 'Mandatory'</li> <li>• Record any relevant information in the notes box.</li> </ul> See LMS User Guide, Chapter F for further guidance
6	Complete and print off the clerical mandatory referral letter (SC01 ESA Initial Referral Letter or SC02 JSA Initial Referral Letter) and issue to the claimant. Do <b>not</b> issue the LMS generated referral letter. <b>Letters must <u>not</u> be amended locally. Any changes may create Legal challenge.</b>
7	Explain that attendance and participation are mandatory and that failure to attend or comply may result in a benefit sanction.
8	Explain process to follow if the claimant feels:

	<ul style="list-style-type: none"> <li>• They have an issue with the quality of the training provision, or</li> <li>• Has any learning support needs.</li> </ul>
9	Explain that if circumstances change for any reason the claimant must inform Jobcentre Plus immediately.
10	As per local arrangements, <ul style="list-style-type: none"> <li>• Update and issue local referral list or</li> <li>• Complete parts 1&amp;2 of the REF2 form</li> </ul>
11	Note conversations that the Skills Conditionality referral letter has been issued.
12	Issue the claimant's information to the Provider via the agreed local arrangements.

### **Provider requires Initial Provider Interview same day as provision start**

25. Where the initial provider interview assessment is on the same day as the start of the provision:

Step	Action
1	Explain to the claimant the benefits of training and how it will help them move closer to the labour market.
2	Explain about Back to Work Schemes
3	Contact the provider to arrange an appointment.
4	Inform claimant of the details of the training.
5	Explain for all claimants referred by JCP; Attendance and participation are mandatory. Failure to attend, take part and complete provision may result in a benefit sanction.
6	Mandate to provision using appropriate Opportunity Type on LMS. A referral is only needed to the provision opportunity, not to Initial Provider Interview. <ul style="list-style-type: none"> <li>• Select the appropriate opportunity type on LMS;</li> <li>• Ensure the 'Referral' field is set to 'Mandatory';</li> <li>• Record any relevant information in the notes box.</li> </ul> For further support, see LMS User Guide, Chapter F.
7	Consider whether JSA Full Time Training Flexibility rules apply.
8	Explain that help with travel costs, childcare and replacement care costs to attend the first provider assessment interview is available;
9	<p><b>For referrals to Providers</b>, Complete and print off the clerical mandatory referral letter: JSA: SC06 JSA Combined Initial Provider and Referral Letter or ESA: SC07 ESA Combined Initial Provider and Referral letter. Do <b>not</b> issue the LMS generated referral letter. <b>Letters must <u>not</u> be amended locally. Any changes may create Legal challenge.</b> Once the relevant SC letter has been issued to the claimant, should provision details change, a revised letter must be generated and issued to the claimant.</p>

10	<p><b>For referrals to the National Careers Service</b>, Complete and print off the clerical mandatory referral letters</p> <p>ESA: SC01 ESA Initial Referral Letter</p> <p>JSA: SC02 JSA Initial Referral Letter</p> <p>The combined letters cannot be used for the National Careers Service. Do <b>not</b> issue the LMS generated referral letter.</p> <p><b>Letters must <u>not</u> be amended locally. Any changes may create Legal challenge.</b></p> <p>Once the relevant SC letter has been issued to the claimant, should provision details change, a revised letter must be generated and issued to the claimant.</p>
11	<p>Explain process to follow if the claimant feels:</p> <ul style="list-style-type: none"> <li>• The training is not benefiting them</li> <li>• They have an issue with the quality of the training provision, or</li> <li>• Has any learning support needs.</li> </ul>
12	<p>Explain that if circumstances change for any reason the claimant must inform Jobcentre Plus immediately.</p>
13	<p>As per local arrangements,</p> <ul style="list-style-type: none"> <li>• Update and issue local referral list or</li> <li>• Complete parts 1&amp;2 of the REF2 form</li> <li>• Complete parts 1&amp;2 if the SL2 form for provision starts</li> </ul>
14	<p>Note conversations that the Skills Conditionality referral letter has been issued.</p>
15	<p>Issue the claimant's information to the Provider via the agreed local arrangements.</p>

## Initial Interview Follow Up activity

### Claimant attends Initial Provider Interview

26. Follow up activity must be undertaken for all referrals under Skills Conditionality.

27. Results must be recorded on LMS once attendance notification is received from the provider.

28. Where telephony follow up is agreed as a local practice, LMS can be updated prior to receiving written confirmation in the form of a local attendance list or REF2/SL2.

**Note:** Regulations are in place, which allow the Secretary of State to share information about clients in relation to employment, skills and training with careers advice services and skills providers, where this information is necessary to effectively administer their training and benefits. Only those items of information that are listed in the Operational data share data list can be exchanged without breaching the Data Protection Act 1998. Claimant consent is not required for this information. Please note that information on criminal records; health details and other sensitive personal information are not listed in the Operational data share data list so informed consent is still required to pass on this information. See Operational Data Sharing for Skills for further guidance.

### Claimant fails to attend (FTA) Initial Provider Interview

29. Where the claimant fails to attend the Initial Provider Interview, the provider informs JCP via locally agreed data sharing arrangements.

30. Upon receipt of FTA notification:

- Update the LMS opportunity to show “Did Not Start”;
- Issue SC-FTP-01 letter to claimant to allow them opportunity to demonstrate good reason for failing to attend.
- Allow 5 days for the claimant to respond and record the required response date on the SC FTP01 letter.

31. If the claimant has not responded by the date specified on the SC-FTP-01 letter, refer to DMA.

32. Advisers can decide whether a claimant shows good reason for not attending. Good reason should only be used in **very occasional and exceptional circumstances**.

33. Where good reason applies, record on LMS as Good Reason.

34. Where good reason is not applied, all cases **must** be referred to a decision maker on form SC DMA5 form.

35. A Good Reason Guide for mandatory programmes product is now available to support the capture of these outcomes on LMS.

Step	Action
	On LMS, all DMA action should be recorded on the “Decn” hotspot
1	Select the hotspot Question drop down.
2	Depending on whether previous referrals/decisions have been recorded, Select the ‘Dec’ or ‘No Dec’ button on the LMS Record to open the ‘View Referral/Decision Details’ window
3	If more than one decision has been recorded, select the relevant line in the ‘List of Referrals/Decisions’ window: or for new referrals/decisions select ‘New Ref Dec’
4	Click the Question drop down and select ‘Amend’
5	For JSA cases select ‘GBW’; then Select ‘FTP Skills Cond (JSA)’; and Select either AR code ‘JSA 811’ or ‘JSA 8110’ For ESA cases select ‘ESA’; then Select ‘SC Failed to Undertake WRA (ESA)’; and Select AR code ESA340
6	Click on ‘Source Field’ and select ‘Provider or Advisory Interview’ as appropriate (as the source of the doubt)
7	Update the “date made” and “made by” fields, and select ‘save’
8	Click ‘amnd’ ,
9	Click on ‘Ref To’ field and select ‘N/A – Straightforward’
10	Select ‘notes’ and record reason for accepting Good Reason; then click on ‘hide’
11	Click ‘Save’

36. Consider re-referral / re-engagement with provider.

## Referral to Provision

### Follow Up Interview/Pre Entry Interview

37. Where the provider confirms that a fully funded course is available, consider whether:

- The claimant is eligible to take part in provision.
- Provision is likely to result in the claimant moving into employment.
- The claimant is likely to benefit from the programme.
- What is being asked of the claimant is reasonable with regard to their individual circumstances and any health condition(s).
- There are any restrictions on a claimant's hours of work or patterns of work agreed by an adviser.
- Existing flexibilities and safeguards for lone parents and others with caring responsibilities are in place; if they are, ensure that training does not contravene these arrangements.
- Local flexible support fund arrangements;
- Public Transport is available (where required);
- For vulnerable claimants, whether there is a need to consult with any other professional, eg. Work Psychologist, Probation Officer.

Step	Action
1	Explain about Back to Work Schemes
2	Inform claimant of the details of the training.
3	Explain for all claimants referred by JCP; Attendance and participation are mandatory. Failure to attend, take part and complete provision may result in a benefit sanction.
4	Mandate to provision using appropriate Opportunity Type on LMS; <ul style="list-style-type: none"> <li>• Select the appropriate opportunity type on LMS;</li> <li>• Ensure the 'Referral' field is set to 'Mandatory';</li> <li>• Record any relevant information in the notes box.</li> </ul> For further support, see LMS User Guide, Chapter F.
5	Consider whether JSA Full Time Training Flexibility rules apply.
6	<p><b>For referrals to Providers:</b> Issue referral letter (SC03 ESA referral Letter or SC04 JSA Referral Letter). <u>Do not</u> issue the LMS generated referral letter.</p> <p><b>Letters must <u>not</u> be amended locally. Any changes may create Legal challenge.</b> Once the relevant SC letter has been issued, should provision details change, a revised letter must be generated and issued to the claimant.</p> <p>If a claimant is being referred to provision and is under a sanction period, they should be referred using form SC05.</p>
7	<p><b>For referrals to the National Careers Service:</b> Issue referral letter (SC01 ESA referral Letter or SC02 JSA Referral Letter). <u>Do not</u> issue the LMS generated referral letter.</p> <p><b>Letters must <u>not</u> be amended locally. Any changes may create</b></p>

	<p><b>Legal challenge.</b> Once the relevant SC letter has been issued, should provision details change, a revised letter must be generated and issued to the claimant.</p> <p>If a claimant is being referred to provision and is within a sanction period, they should be referred on form SC05.</p>
8	<p>Consider forward signing the claimant by completing the ES88XJP if the claimant is :</p> <ul style="list-style-type: none"> <li>Starting part time training and attendance dates are rearranged to accommodate their training</li> <li>Starting full time training and will miss their benefit signing day</li> </ul>
9	Note in conversations that the Skills Conditionality referral letter has been issued.
10	<p>As per local arrangements,</p> <ul style="list-style-type: none"> <li>Update and issue local referral list or</li> </ul> <p>Complete parts 1&amp;2 of the REF2/SL2 form</p>

**Where claimant is to attend provision on a full-time basis and JSA Full Time Training Flexibility does not apply:**

- Arrange Allowance Payments as described in the Allowance Payments Guide;
- Issue form SL2 to provider.

**Note:** All referrals must be recorded against the appropriate Opportunity Type. Intermediaries opportunity type must not be used.

**Note:** Regulations are in place, which allow the Secretary of State to share information about clients in relation to employment, skills and training with careers advice services and skills providers, where this information is necessary to effectively administer their training and benefits. Only those items of information that are listed in the Operational data share data list can be exchanged without breaching the Data Protection Act 1998. Claimant consent is not required for this information. Please note that information on criminal records; health details and other sensitive personal information are not listed in the Operational data share data list so informed consent is still required to pass on this information. See Operational Data Sharing for Skills for further guidance.

**Confirming Start on Provision**

38. Follow up activity must be undertaken following all referrals made under Skills Conditionality.

39. The provider will issue start (or failed to start) confirmation in line with locally agreed processes. Upon receipt:

**Full time Attendance**

- Update LMS with the start information.
- Change claim to inactive on LMS.
- Set up training allowance on JSAPS; (See Allowance Payments Guidance)



- Change 'Training Premium' to [NO].
  - Claimants transfer onto Allowance Payments.
  - A training premium is not payable.
  - Existing benefit sickness absence rules apply; and
  - Help with travel, childcare and replacement care costs are available.
40. Full travel and childcare costs are payable as no training premium is in payment. Therefore the first £4 deduction does not apply.

### Part-time Attendance

- Update LMS with start info; leave claim as active.
  - Existing benefit sickness absence rules apply
  - Help with travel, childcare and replacement care costs are available.
  - Full travel and childcare costs are payable as no training premium is in payment. Therefore the first £4 deduction does not apply.
41. Claimants attending provision on a part-time (under 16 hours per week) basis are still expected to:
- Fulfil the conditions of entitlement for JSA/ESA whilst undertaking Skills Conditionality.
  - Attend their Job search Reviews.
  - Be available and actively seeking employment.
42. Attendance arrangements should be arranged to fit around the course attendance (where possible) and the claimant informed when they are required to attend.

### Claimant Fails to Start Provision

43. Where the claimant fails to start Provision, the provider informs JCP via locally agreed data sharing arrangements.
44. Upon receipt of FTS notification:
- Update the LMS opportunity to show "Did Not Start";
  - Allow 5 days for the claimant to respond and record the date on the SC-FTP-01 letter.
  - Issue SC-FTP-01 letter to claimant to allow them opportunity to demonstrate good reason for failing to attend.
45. If the claimant has not responded by the date specified on the SC-FTP-01 letter, refer to DMA.
46. Advisers can decide whether a claimant shows good reason for not attending. Good reason should only be used in **very occasional and exceptional circumstances**.
47. Where good reason applies, record on LMS as "Good Reason", using the steps outlined in the table below.
48. It is important that Good Reason decisions are captured to demonstrate why a DMA referral is not appropriate.
49. Where good reason is not applied, all cases **must** be referred to a decision maker on form SC DMA5 form.
50. A product to assist in the correct application and recording of Good Reason is available here.

Step	Action
	On LMS, all DMA action should be recorded on the "Decn" hotspot

1	Select the hotspot Question drop down.
2	Depending on whether previous referrals/decisions have been recorded, Select the 'Dec' or 'No Dec' button on the LMS Record to open the 'View Referral/Decision Details' window
3	If more than one decision has been recorded, select the relevant line in the 'List of Referrals/Decisions' window: or for new referrals/decisions select 'New Ref Dec'
4	Click the Question drop down and select 'Amend'
5	For JSA cases select 'GBW'; then Select 'FTP Skills Cond (JSA); and Select either AR code 'JSA 811' or 'JSA 8110' For ESA cases select 'ESA'; then Select 'SC Failed to Undertake WRA (ESA); and Select AR code ESA340
6	Click on 'Source Field' and select 'Provider or Advisory Interview' as appropriate (as the source of the doubt)
7	Update the "date made" and "made by" fields, and select 'save'
8	Click 'amnd' ,
9	Click on 'Ref To' field and select 'N/A – Straightforward'
10	Select 'notes' and record reason for accepting Good Reason; then click on 'hide'
11	Click 'Save'

51. Consider re-referral / re-engagement with provider.

## **JSA Full Time Training Flexibility**

### **Overview**

52. JSA Full Time Training Flexibility only applies for claimants who are mandated to participate in skills provision under Skills Conditionality.

53. Claimants who have been claiming Jobseekers Allowance (JSA) for six months or more and mandated to full-time training of up to and including 30 hours per week should remain on JSA rather than transferring to a training allowance as long as the training does not exceed a maximum duration of eight weeks.

54. Whilst on training, claimants may be required to remain engaged with the labour market and take steps to find employment under the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013. These labour market requirements must be explained to the claimant in the JSA FTTF letter issued to them prior to the start date of provision.

### **Referral (JSA Full Time Training Flexibility)**

55. When referring a claimant to provision under JSA Full Time Training Flexibility (FTTF):

56. Consider suitable labour market steps for the claimant to complete whilst participating on provision. Discretion should be used to determine reasonable and achievable activity in the context of the training they will be undertaking.

57. Consider:

- Course arrangements
- Hours of attendance on provision
- Travel time
- Personal circumstances (e.g. caring responsibilities).

58. Suitable labour market steps may include preparing/updating their CV or checking out local newspapers for suitable job opportunities.

- Complete the JSA FTTF Notification Letter, giving clear details of what is required of the claimant including any specific labour market steps that the adviser deems appropriate, print and issue to the claimant.
- The claimant is required to meet all conditions set out in the JSA FTTF Notification letter, in order to continue receiving JSA.
- Where no further labour market steps are deemed appropriate, advise the customer that they are not required to continue to take steps to find employment, and update this on the JSA FTTF Notification letter, print and issue to the claimant.
- Inform the claimant that they will remain on JSA while taking part in the provision, and the usual JSA conditionality rules apply.
- Reiterate to the claimant (if appropriate) that they are required to take the steps to find employment which are listed in their JSA FTTF Notification Letter.
- Keep a copy of the referral letter in the claimant's LMU.
- Record the referral on LMS using the "Skills Cond – "Opportunity types.

59. Travel and childcare and replacement care costs must be paid (where required) for all claimants who are mandated to attend skills provision.

### **Jobsearch Review (JSA Full Time Training Flexibility)**

60. Claimants continue to be required to participate in Jobsearch Reviews whilst attending provision, to confirm that they are meeting usual JSA conditionality, and are fulfilling any steps agreed and detailed in the JSA FTTF Notification Letter, issued prior to starting the course.

61. Jobsearch Review is conducted in line with the guidance.

62. Signing dates and times can be re-arranged where appropriate to accommodate provision attendance times.

63. Amending signing arrangements to a later date will change the date when the claimant's benefit payment is made by the same amount of days. In these cases, consider forward signing ES88X action.

64. If the hours and location of the claimant's training make it impossible for them to attend the office for a Jobsearch Review, Postal signing or excused attendance arrangements may be considered for the duration of provision.

### **Referring Claimants who have a JSA Sanction in place or pending**

65. Under Skills Conditionality, Jobseekers Allowance (JSA) claimants who are sanctioned will have their JSA removed for the period of the sanction irrespective of when the claimant re-engages with the training provider.

66. Claimants with a JSA sanction in place or where a case has been referred for DMA action and the decision is pending should still be referred to training but they will not transfer to a Training Allowance.

67. These claimants remain on Jobseekers Allowance at the sanctioned rate until the period of the sanction is complete.

68. Whilst on training, claimants may be required to remain engaged with the labour market and take steps to find employment under the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013. These labour market requirements must have been made clear in writing and issued to the claimant prior to starting provision.

### **Claimants with a Sanction in Place**

69. When referring a claimant to training check LMS for any current sanctions.

70. Where a sanction is in place check whether:

- The period of the sanction exceeds the duration of the provision; or
- The duration of the provision exceeds the period of the sanction.

### **Sanction exceeds length of Provision**

71. If the sanction period exceeds the duration of the provision:

- Conduct a Pre-Entry Interview.
- Inform the claimant that they will remain on the sanctioned rate of JSA whilst taking part in the provision.
- Where appropriate, inform the claimant that they are not required to continue to take steps to find employment, unless they are given a notice in writing outlining what is required of them.
- If the claimant fails to comply with the instructions contained in that letter, they may face further sanctions.
- Inform the claimant that they are required to attend any Jobcentre Plus appointment including Jobsearch Reviews as notified on the notification letter.
- Consider suitable labour market steps for the claimant to undertake whilst participating on the provision.
- Complete the SC05 Notification Letter, giving clear details of what is required of the claimant including any specific labour market steps that the adviser deems appropriate, print and issue to the claimant.
- Note in conversations that the letter has been issued.
- Keep a copy of the referral letter in the claimant's LMU.
- Record the referral on LMS using the "Skills Cond –opportunity types".
- Do not complete any Training Allowance documents. These claimants remain on the sanctioned rate of JSA throughout provision.

### **Duration of Provision exceeds Sanction**

72. If the duration of the provision exceeds the period of the sanction, advisers must:

- Conduct a Pre-Entry Interview;
- Inform the claimant that they will remain on the sanctioned rate of JSA whilst taking part in the provision until the end of the sanction.
- Where appropriate, inform the claimant that they are not required to continue to take steps to find employment, unless they are given a notice in writing outlining what is required of them.

- If the claimant fails to comply with the instructions contained in that letter, they may face further sanctions.
- Inform the claimant that they are required to attend any Jobcentre Plus appointment including Jobsearch Reviews as notified on the notification letter.
- Consider suitable labour market steps for the claimant to undertake whilst participating on the provision.
- Complete, print and issue the SC05 Notification Letter giving clear details of any specific labour market steps that the adviser deems appropriate.
- Note in conversations that the letter has been issued.
- Keep a copy of the referral letter in the claimant's LMU.
- Record the referral on LMS using the "Skills Cond – "opportunity types.
- Complete AP2 form and annotate with the date that Training Allowance will start – this will be the day after the last day of the sanction.
- Ensure that local arrangements are in place to monitor the end of the sanction period.
- Send relevant paperwork to Allowance Payments team.
- At the last signing before the end of the sanction complete form ES88XJP if appropriate and send to Allowance Payments team.
- Allowance payments team check LMS and JSAPS 513 to confirm sanction end date and commence Allowance Payments from this date.

### **Claimants with Sanction Decisions Pending**

73. Where a case has been referred to DMA but the decision is outstanding, the claimant should be referred to provision and remain in receipt of JSA rather than transferring to a Training Allowance until the decision is known.

74. Once a decision is known the claim will either:

- Transfer to a Training Allowance where a sanction is not applied; or
- Where a sanction is applied, remain on the sanctioned rate of JSA until the end of the sanction.

75. Where a DMA decision is pending advisers should:

- Conduct a Pre-Entry Interview
- Inform the claimant that they will remain on JSA while taking part in the provision until the decision is known.
- Where appropriate, inform the claimant that they are not required to continue to take steps to find employment, unless they are given a notice in writing outlining what is required of them.
- Inform the claimant that they are required to attend any Jobcentre Plus appointment including Jobsearch Reviews as notified on the notification letter.
- Consider suitable labour market steps for the claimant to undertake whilst participating on the provision.
- Complete, print and issue the SC05 Notification Letter to the claimant, giving clear details of what is required of them- including any specific labour market steps that the adviser deems appropriate.
- Note in conversations that the letter has been issued.
- Keep a copy of the referral letter in the claimant's LMU.
- Record the referral on LMS using the "Skills Cond – "opportunity types.

- Ensure that local arrangements are in place to monitor the outstanding sanction decision.

### **Sanction Applied**

76. Where a sanction is applied check whether:

- The period of the sanction exceeds the duration of the provision; or
- The duration of the provision exceeds the period of the sanction.

### **Sanction Not Applied**

77. Where a sanction is not applied an interview should take place to transfer the claim to a Training Allowance:

- Check the date Training Allowance will be paid from.
- Complete form AP2 annotated with the date which Training Allowance will be paid from and send to the Allowance Payment team.
- Inform the claimant that they are no longer required to complete the specific labour market step which they were notified of previously.
- Issue SC04 notification letter.
- Complete ES88XJP if appropriate.

### **Labour Market Steps (Sanctioned Claimants)**

78. When considering suitable labour market steps for the claimant to do whilst participating on provision, discretion should be used to decide reasonable and achievable activity in the context of the training they will be undertaking. For example:

- Course arrangements.
- Hours of attendance on provision.
- Travel time and
- Personal circumstances (e.g. caring responsibilities).

**Note:** Suitable labour market steps may include preparing/updating their CV and checking out local newspapers for suitable job opportunities.

### **Jobsearch Review (Sanctioned Claimants)**

79. Claimants continue to be required to attend Jobsearch Reviews whilst attending provision to confirm that they are taking the steps agreed in the JSA FTTF Notification Letter, which they were issued prior to starting the course.

80. Jobsearch Reviews are conducted in line with the Jobsearch Review guidance.

81. Attendance arrangements can be varied where appropriate to accommodate provision hours.

82. Amending attendance arrangements to a later date will change the date when the claimant's benefit payment is made by the same amount of days. In these cases consider forward signing ES88X action.

83. If the hours and location of the claimant's training make it impossible to attend the office for a Jobsearch Review, postal signing or excused attendance may apply.

## Refer the claimant through Opportunity (VOPS)

Step	Action
1	Click on the 'VOPs' icon on your LMS Desktop
2	Click on the 'Wider' button to open the 'Wider Vacancy/Opportunity Search' window;
3	To ensure only Skills Conditionality opportunities relevant to your Office are returned you <b>must</b> use the 'LMS Office' Tab with your own office's name in the 'Office' field;
4	Select 'Opportunity' from the 'Search' field drop down menu
5	Select the relevant 'Opportunity Name' from the 'Type' field drop down menu: <ul style="list-style-type: none"> <li>• Skills Cond – Basic Skills Trng;</li> <li>• Skills Cond – Occupational Training; or</li> <li>• Skills Cond – ESOL.</li> </ul>
6	Leave the 'Office' field set to your default office
7	Select 'All Dates' from the 'Rcvd Date:' field drop down menu;
8	Click on the [Srch] button to action the search and open the 'List of Vacancies' window, displaying the relevant Skills Conditionality opportunity within your Office.
9	Enter the date of the interview in the 'Int Date' field
10	Enter the time of the interview in the 'At' field
11	Make sure the 'Referral' field is set to 'Mandatory'
12	Check name, telephone number and address of the Provider are correct
13	Select [Save] to save the referral

## Refer the claimant through the client record

84. From the client record screen refer the claimant as follows:

Step	Action
1	Select [Sub]
2	Enter the opportunity reference number and select [srch]
3	Once in the opportunity record select [refer]
4	Select the accurate Business Process from the drop down list (JSA Adviser)
5	Select 'Matching' as the source
6	Select 'Provider' as the location
7	Enter the date of the interview in the 'Int Date' field
8	Enter the time of the interview in the 'At' field
9	Make sure the 'Referral' field is set to 'Mandatory'

10	Check the name, telephone number and address of the Provider are correct.
11	Select [Save] to save the referral

## Recording the start through the opportunity (VOPS)

85. To record the claimant's start through the opportunity:

Step	Action
1	Select [VOPs]
2	Enter the opportunity reference number and select [srch]
3	Select [RefHis]
To Note	If there is only one referral, the 'View Ref: (claimant name) (Opportunity)' window will open
4	Select [ViewFU] and then [AmFU] and the 'Amend Follow up (claimant name) (Opportunity)' window will open
To Note	If there has been more than one referral, the 'Clients Submitted to: (Opportunity)' window will appear.
5	Select claimant from the list and select [FU]. The 'Amend Follow up (claimant name) (Opportunity)' window will open
6	Select [ViewFU] and then [AmFU] and the 'Amend Follow up (claimant name) (Opportunity)' window will open
7	Select 'Started Opp' from the drop down in the results field
8	Insert the date the claimant started in the 'Date Started' field. This is the date as notified by the provider
9	Select [Save] to save the referral

## Recording Starts on Provision

### Following up the Referral

86. Results must be promptly recorded on LMS once attendance notification is received from the provider.

87. Where telephony follow up is agreed as a local practice, LMS can be updated prior to receiving written confirmation in the form of a local attendance list or REF2/SL2.

**Note:** Regulations are in place, which allow the Secretary of State to share information about clients in relation to employment, skills and training with careers advice services and skills providers, where this information is necessary to effectively administer their training and benefits. Only those items of information that are listed in the Operational data share data list can be exchanged without breaching the Data Protection Act 1998. Claimant consent is not required for this information. Please note that information on criminal records; health details and other sensitive personal information are not listed in the Operational data share data list so informed consent is still required to pass on this information. See Operational Data Sharing for Skills for further guidance.



## Recording the start through the client record

Step	Action
1	Select [Hist]
To Note	If there is only one referral, the 'View Ref: (claimant name) (Opportunity)' window will open
2	Select [ViewFU] and then [AmFU] and the 'Amend Follow up (claimant name) (Opportunity) window will open
To Note	If there has been more than one referral, the 'Submission History for: (claimant name)' window will appear.
3	Select the relevant opportunity from the list and select [Detail]. The 'View Ref: (claimant Name) (Opportunity)' window will open
4	Select [ViewFU] and then [AmFU] and the 'Amend Follow up (claimant name) (Opportunity)' window will open
5	Select 'Started Opp' from the drop down in the results field
6	Insert the date the claimant started in the 'Date Started' field. This is the date as notified by the provider
7	Select [Save] to save the referral

## Recording provision end dates following notification from Provider

To record the claimant's end date through the opportunity:

Step	Action
1	Select [VOPs]
2	Enter the opportunity reference number and select [srch]
3	Select [RefHis]
To Note	If there is only one referral, the 'View Ref: (claimant name) (Opportunity)' window will open
4	Select [ViewFU] and then [AmFU] and the 'Amend Follow up (claimant name) (Opportunity)' window will open
To Note	If there has been more than one referral, the 'Clients Submitted to: (Opportunity)' window will appear.
5	Select claimant from the list and select [FU]. The 'Amend Follow up (claimant name) (Opportunity)' window will open
6	Insert the end date in the 'End Date' field
7	Select the appropriate reason for the drop down list in the 'Opp End Reason' field
8	Select [Save] to save the referral

### To record the claimant's end date through the client record:

Step	Action
1	Select [Hist]
To Note	If there is only one referral, the 'View Ref: (claimant name) (Opportunity)' window will open
2	Select [ViewFU] and then [AmFU] and the 'Amend Follow up (claimant name) (Opportunity)' window will open
To Note	If there has been more than one referral, the 'Submission History for: (claimant name)' window will appear.
3	Select the relevant opportunity from the list and select [Detail]. The 'View Ref: (claimant Name) (Opportunity)' window will open
4	Select [ViewFU] and then [AmFU] and the 'Amend Follow up (claimant name) (Opportunity)' window will open
5	Insert the end date in the 'End Date' field
6	Select the appropriate reason for the drop down list in the 'Opp End Reason' field
7	Select [Save] to save the referral

## Absence and Attendance

88. Existing benefit absence and attendance rules apply.

89. Claimants undertaking Skills Funding Agency funded provision are subject to the Skills Funding Agency absence policy but must also meet JCP regulations and the requirements relating to receipt of a benefit.

90. Where claimants fail to attend, fail to participate or complete the skills provision, the provider:

- Notifies JCP via locally agreed data sharing processes eg. referral list; or REF2/SL2 as appropriate, where a referral list has not been adopted.

91. Where claimants lose their place on provision through misconduct, or leave provision early, the provider:

- Notifies JCP via the agreed local data sharing process eg. referral list; or REF2/SL2 as appropriate, where a referral list has not been adopted.
- Completes and issues the Skills 11 doubt form (in cases of misconduct) and return them to JCP.

## Re Referral and Balance of Time

### Repeat / Reclaims

92. Reclaim claimants who have previously left provision early without gaining a qualification or finding a job should be mandated to return to the provision to build on progress already made.

93. This will be done via the re referral process.

94. A balance of time referral is appropriate where the claimant returns to provision within 1 and 14 days.

95. A new referral is appropriate where the claimant has missed 14 days or more of their provision.

### Change of Circumstances

96. If a claimant has been referred to attend a course under Skills Conditionality and has a change of circumstances which leads to a change in benefit; eg. JSA to ESA (WRAG), the claimant will need to be re-referred to provision in order that they receive the appropriate referral letter.

97. The training will cease at the point at which their original benefit claim ceases.

98. This will ensure that they have been referred under the correct regulations.

### DMA Referral / Determining Good Reason

99. Upon receipt of FTA notification, failure to participate or complete the skills provision:

- Update LMS accordingly;
- Note in 'conversations' whether the claimant failed to attend/participate/complete.
- For Failed to Attend cases, allow the claimant 5 days to respond. Note the date on the SC-FTP-01 letter.
- For all other cases, determine a reasonable amount of time for the claimant to respond, given their personal circumstances and record this on the SC-FTP-01 letter.
- Issue SC-FTP-01 letter to claimant to allow them opportunity to demonstrate good reason for failing to attend; the claimant should complete page 2.

100. If the claimant returns page 2 of the SC-FTP-01 letter, attach the completed form to the SC DMA5 and send to DMA.

101. If the claimant has not responded by the date specified on the SC-FTP-01 letter, refer to DMA by completing the SC DMA5 form, noting that the claimant has failed to respond to your request for information.

102. Advisers can decide whether a claimant shows good reason for not attending. Good reason should only be used in **very occasional and exceptional circumstances**.

103. Where good reason applies, record on LMS as "Good Reason" by using the steps in the table below.

104. Where good reason is not applied, all cases **must** be referred to a decision maker on form SC DMA5 form.

105. Consider re-referral / re-engagement with provider.

106. Where a claimant stops attending training and gives the reason as being a problem with the provision, determine and record whether they have spoken to the provider about this or used the provider's complaints procedure.

Step	Action
	On LMS, all DMA action should be recorded on the "Decn" hotspot
1	Select the hotspot Question drop down.
2	Depending on whether previous referrals/decisions have been

	recorded, Select the 'Dec' or 'No Dec' button on the LMS Record to open the 'View Referral/Decision Details' window
3	If more than one decision has been recorded, select the relevant line in the 'List of Referrals/Decisions' window: or for new referrals/decisions select 'New Ref Dec'
4	Click the Question drop down and select 'Amend'
5	For JSA cases select 'GBW'; then Select 'FTP Skills Cond (JSA); and Select either AR code 'JSA 811' or 'JSA 8110' For ESA cases select 'ESA'; then Select 'SC Failed to Undertake WRA (ESA); and Select AR code ESA340
6	Click on 'Source Field' and select 'Provider or Advisory Interview' as appropriate (as the source of the doubt)
7	Update the "date made" and "made by" fields, and select 'save'
8	Click 'amnd' ,
9	Click on 'Ref To' field and select 'N/A – Straightforward'
10	Select 'notes' and record reason for accepting Good Reason; then click on 'hide'
11	Click 'Save'

### **Claimant signs off when a doubt is raised**

107. Where a doubt arises (through failure to attend or misconduct) but the claimant signs off before a referral to DMA is made:

- Retain the paperwork (Skills 11 etc) in line with local arrangements for paper retention for the period of the potential sanction (4 or 13 weeks depending on any previous sanctions)
- Record that a doubt exists in LMS conversations

### **Claimant makes Rapid Reclaim**

108. If the claimant makes a Rapid Reclaim within the period of a possible sanction (4 or 13 weeks from the doubt arising, depending on any previous sanctions) a referral to DMA must be made.

109. In all cases where the claimant has previously been referred but has not completed provision re-referral or re-engagement with provision should be considered when the claimant makes a re-claim.

### **DMA/Determining Good Reason (Rapid Reclaims)**

110. Advisers can decide whether a claimant shows good reason for not attending. Good reason should only be used in **very occasional and exceptional circumstances**.

111. Advisers should check LMS to identify :

- Whether the claimant has failed to participate in the past .
- What reasons were given for previous failure to participate.
- Any other information which may assist in making a decision regarding good reason.

112. The Good Reason Guide for Mandatory Provision product can assist you in applying and recording Good Reason.

113. Where good reason is awarded, this must be recorded in LMS.

114. To record good reason:

Step	Action
	On LMS, all DMA action should be recorded on the “Decn” hotspot
1	Select the hotspot Question drop down.
2	Depending on whether previous referrals/decisions have been recorded, Select the ‘Dec’ or ‘No Dec’ button on the LMS Record to open the ‘View Referral/Decision Details’ window
3	If more than one decision has been recorded, select the relevant line in the ‘List of Referrals/Decisions’ window: or for new referrals/decisions select ‘New Ref Dec’
4	Click the Question drop down and select ‘Amend’
5	For JSA cases select ‘GBW’; then Select ‘FTP Skills Cond (JSA); and Select either AR code ‘JSA 811’ or ‘JSA 8110’ For ESA cases select ‘ESA’; then Select ‘SC Failed to Undertake WRA (ESA); and Select AR code ESA340
6	Click on ‘Source Field’ and select ‘Provider or Advisory Interview’ as appropriate (as the source of the doubt)
7	Update the “date made” and “made by” fields, and select ‘save’
8	Click ‘amnd’ ,
9	Click on ‘Ref To’ field and select ‘N/A – Straightforward’
10	Select ‘notes’ and record reason for accepting Good Reason; then click on ‘hide’
11	Click ‘Save’

### **Re-referral / Re-engagement**

115. Where appropriate, if a claimant fails to complete provision, they should be encouraged to re-engage with the provider as early as possible.

116. The usual referral process should be followed, issuing the claimant with a fresh SC letter as appropriate.

117. When considering re-referral take into account whether:

- The place on the provision is still available.
- The provider will accept the claimant back.
- Another form of action is more appropriate (ie due to a change in circumstances).

118. Where re-engagement with provision is not a viable option, consider alternative suitable provision.

119. Where alternative provision is outside the scope for Skills Conditionality (Not SFA funded) the claimant should not be mandated.

120. Where no other suitable provision is available locally

- Note LMS; and
- Review at later Work Focussed Interviews, re referring as appropriate.

## LMS Opportunities (England)

121. The following opportunity types must be used for referrals to skills provision:

For:	Refer to Opportunity:
National Careers Service Interview	<b>Skills Health Check</b>
Initial Provider Interview	<b>Skills Cond – Initial Provider Intervw</b>
Basic Skills	<b>Skills Cond – Basic Skills Trng</b>
ESOL	<b>Skills Cond – ESOL</b>
Skills Funding Agency Occupational Training	<b>Skills Cond – Occupational Training</b>

122. For any non-Skills Funding Agency funded provision use the '**Other Training**' opportunity on LMS. Do not use the 'Skills Cond – Other Training' opportunity.

123. Where a Skills Funding Agency provider has stated that they do not wish to accept mandated claimants on their training use the '**Other Training**' opportunity on LMS. Do not use the 'Skills Cond – Other Training' opportunity.

**Note:** All referrals must be recorded against the appropriate opportunity type. **Intermediary opportunity types must not be used.**

## Travel, Childcare and Replacement Care Costs

124. Travel, childcare and replacement care costs must be paid for JSA and ESA WRAG claimants mandated to National Careers Service, Initial Provider Interviews or provision under Skills Conditionality whether they attend on a full time or part time basis. District Managers are also be able to use their discretion over whether or not to pay travel, childcare and replacement care costs to those who are signposted or self marketed.

### Childcare Costs

125. Mandated claimants attending National Careers Service, Initial Provider Interviews, or provision on a full or part-time basis must be offered help with their childcare costs where required.

126. Payments for these costs are reimbursed from the Flexible Support Fund.

127. Where the claimant requires help with childcare costs, payments should be made following the guidance in the Flexible Support Fund - Childcare Costs guidance.

128. The ACME – Account Codes Made Easy tool must be used to identify the correct Skills Conditionality account codes.

129. Any payments must be recorded on LMS on the ADF hotspot.

### Replacement Care Costs

130. Mandated claimants attending National Careers Service, Initial Provider Interviews, or provision on a full or part-time basis must be offered help with their Replacement Care costs where required.

131. Payment for these costs are reimbursed from the Flexible Support Fund.

132. Where the claimant requires help with replacement care costs, payments should be made following the guidance in the Flexible Support Fund - Replacement Care guidance.
133. The ACME – Account Codes Made Easy tool must be used to identify the correct Skills Conditionality account codes.
134. Any payments must be recorded on LMS on the ADF hotspot.

### **Help with travel costs**

135. Mandated claimants attending National Careers Service, Initial Provider Interviews, or provision on a full or part-time basis must be offered help with their travel costs where required.
136. Payment for these costs are reimbursed from the Flexible Support Fund.
137. Where the claimant requires help with replacement travel costs, payments should be made following the guidance in the Flexible Support Fund - Payment of Travel Expenses guidance.
138. ACME – Account Codes Made Easy tool must be used to identify the correct Skills Conditionality account codes.
139. Any payments must be recorded on LMS on the ADF hotspot.