



FSDM04

Calculating Sanction Duration

Module Aim

This module aims to provide you with the skills and knowledge you need to calculate sanction durations, and create sanction outcomes on the Service.

Topic 1

Sanction Level and Duration



Topic 1 Objectives

By the end of this topic, with the aid of any reference material, you will be able to:

- state the different sanction levels
- state the sanction duration applicable to each level
- explain what a compliance condition is, and when it is met
- explain when escalation applies
- describe what factors can affect the length of a sanction
- explain what the Total Outstanding Reduction Period (TORP) is and how it is calculated.

Date of Sanctionable Failure (1/2)



When a claimant ceases paid work voluntarily or through misconduct, the sanctionable failure date is the date the employment ended (not the date the misconduct happened).




If a claimant refuses to apply for a vacancy or fails to attend a job interview, the sanctionable failure date is the date they refuse to apply or fail to attend.



If a claimant agrees to apply for a particular job, but subsequently doesn't, the date of the sanctionable failure is the closing date for applications.


However, if they were required to apply by a date specified by their Work Coach, the date of failure is that date.

Date of Sanctionable Failure (2/2)



If a claimant fails to take all reasonable action to search for work, the sanctionable failure date is the first day of the week in question.

For example, if you determine that the claimant has not taken all reasonable action to look for work in the week 17/05/2017 – 23/05/2017, the sanctionable failure date is 17/05/2017.



If a claimant is required to take certain action on or by a specified date, the date of failure is the specified date.

For example, the claimant is given a work preparation requirement to attend a skills assessment on 12/06/2017. If the claimant fails to attend the assessment, the date of failure is 12/06/2017.

Pre-Claim Failures - Exercise 1

On 29/11/2016 Jamilla is sacked from her job due to misconduct. She claims Universal Credit on 30/11/2016.

On 19/12/ 2016 the DM determines that Jamilla lost her job due to misconduct and imposes a reduction of 91 days.

Jamilla starts work again, but on 04/06/2017 she leaves the job and makes a new claim for Universal Credit on 09/06/2017.

On 16/06/2017 the DM determines that Jamilla left that job for no good reason.



Will the failure on 04/06/2017 escalate?

Pre-Claim Failures - Exercise 1 Answer



No, the sanction on 04/06/2017 will not escalate.

The first failure took place within 365 days of the second failure, but it occurred before Jamilla claimed Universal Credit. Therefore, it is a pre-claim failure.

The first failure is not counted when determining the reduction period for the second failure.

The DM imposes a 91 day reduction for the failure on 04/06/2017.

Pre-Claim Failures - Exercise 2

On 05/01/2017 Duncan refuses the offer of a job. The DM determines he has failed to take up paid work without good reason and imposes a 91 day higher level sanction.

On 17/03/2017 he fails to apply for another job which is vacant and this time the DM imposes a 182 day reduction for a second higher level failure, as the previous failure is within 365 days of the current failure.

Duncan leaves Universal Credit in May 2017 as he has found full-time work.

Duncan leaves this job on 31/05/2017 and claims Universal Credit on 01/06/2017. The DM determines Duncan left this job without good reason.



Will the failure on 31/05/2017 escalate?

Pre-Claim Failures - Exercise 2 Answer



Yes, the current failure will escalate.

Although it is a pre-claim failure, the previous failure within 365 days was not a pre-claim failure.

The DM imposes a 1095 day reduction.

Compliance Condition – Example 1

Naveed fails to attend an interview with his Work Coach on 20/04/2017 without good reason.

He had been given a compliance condition to contact his Work Coach to rebook and attend another interview.

On 24/04/2017 Naveed contacts his Work Coach and books an interview for 27/04/2017. He attends that interview.



On what date did Naveed comply?



What is the duration of the open ended period of the sanction?

Compliance Condition – Example 1 Answer



Date of compliance - Naveed complied on 24/04/2017, even though his interview wasn't until 27/04/2017.



The open ended sanction period is 4 days: 20/04/2017 (date of failure) to 23/04/2017 (day before compliance).

Compliance Condition – Example 2

On 20/03/2017 Molly is given a work related requirement to update her CV and bring it to her next interview with her Work Coach on 27/03/2017.

Molly attends her interview on 27/03/2017, but says that she forgot to bring her CV with her.

As her compliance condition, Molly agrees to email the CV to her Work Coach by 28/03/2017. However, she does not email the CV until 03/04/2017.

The DM determines that Molly does not have good reason for the failure or the delay.



On what date did Molly comply?



What is the duration of the open ended sanction?

Compliance Condition – Example 2 Answer



Date of compliance - Molly complied on 03/04/2017. Even though she attended her interview on 27/03/2017 she did not bring her CV with her, and did not do so until 03/04/2017.



The open ended sanction period is 7 days: 27/03/2017 (date of failure) to 02/04/2017 (day before compliance).

Escalation – Example 1

Trevor is in the all work-related requirements group. He fails to apply for a specific vacancy on 23/03/2017. The DM decides that he does not have good reason for the failure and a 91 day sanction is imposed.

He subsequently fails to apply for another vacancy on 04/07/2017 without good reason.

As the failure date of the previous higher level sanction was within 365 days of the current failure, but not within 14 days, escalation applies and a sanction for 182 days is imposed.

Rowena is given a work preparation requirement by her Work Coach to register with a specified employment agency by 21/06/2017, but she fails to do so.

On 23/06/2017 Rowena notifies her Work Coach that she registered with the agency that day.

The DM determines that she had no good reason for the failure and imposes a low level sanction. The reduction period is 9 days - 2 days before compliance plus 7 days fixed period.

Rowena fails to attend a worksearch review on 03/07/2017. She attends on 05/07/2017 saying she forgot about the review on 03/07/2017.

The DM determines that she had no good reason for the failure and imposes another low level sanction of 9 days (2 days before compliance plus 7 days fixed period).

In this instance another 7 days fixed period is appropriate because the failure of 20/06/2017 is disregarded for escalation purposes, as it is within 14 days of the current failure.

Escalation – Example 3

Delroy, age 17, has been receiving Universal Credit since March 2017.

On 11/04/2017 he fails to apply for a job vacancy without good reason.

This is Delroy's first higher level failure, so a 14 day reduction is imposed.

On 28/06/2017 Delroy, now age 18, fails to accept a job without good reason.

A 91 day reduction is imposed.

Delroy's previous sanction was within 365 days of the current failure.

However, a 28 day sanction cannot be imposed as he is now aged 18.

Therefore, different sanction durations apply. As Delroy's previous reduction period was for 14 days, a 182 day reduction cannot be imposed.

Failures Determined out of Sequence - Exercise

On 20/06/2017 Siân refuses to apply for a vacancy notified by her Work Coach.

On 06/07/2017 Siân refuses the offer of a job that has been properly notified to her.

On 11/07/2017 the DM decides that she does not have good reason for the failure on 06/07/2017 and imposes a 91 day higher level sanction.

On 14/07/2017 the DM decides that a sanction is appropriate for the failure on 20/06/2017.



What period of sanction should apply for the failure on 20/06/2017?

Bear in mind that a 91 day sanction has already been imposed for another failure that occurred after the failure on 20/06/2017.

Failures Determined out of Sequence - Answer



Escalation applies and the DM applies a 182 day sanction.

This is because there has been a previous higher level sanctionable failure within 365 days of the current failure which led to a reduction of Universal Credit of 91 days.

This is regardless of the sequence in which decisions are made in relation to the failure dates.

Days to be deducted from the reduction period - Exercise

Stacy ceases paid work on 09/06/2017.

She claims Universal Credit on 11/07/2017.

The DM determines that she does not have good reason and imposes a higher level sanction of 91 days.



What is the actual reduction period?

Days to be deducted from the reduction period - Answer



There are 31 days between the date Stacy left her job (09/06/2017) and the date she claimed Universal Credit (11/07/2017).

These days are deducted from the 91 day sanction period.

Therefore, the reduction period is 60 days.

Days to be deducted from the reduction period where paid work was for a limited period - Exercise

Sandeep is employed on a fixed term appointment with DWP that is due to end on 27/06/2017. However, she leaves her job on 09/05/2017.

She claims Universal Credit on 12/05/2017.

The DM decides that she does not have good reason and imposes a higher level sanction of 91 days.



What is the maximum reduction period?



What is the actual reduction period?

Days to be deducted from the reduction period where paid work was for a limited period - Answer



The maximum reduction period is 49 days.

This is the number of days after Sandeep left her job (10/05/2017) until the date it was due to end (27/06/2016).



The actual reduction period is 47 days.

2 days are deducted from the maximum reduction period for the period that she didn't claim Universal Credit (10/05/2017 – 11/05/2017).

Sanction period shorter than the period between the pre-claim failure and date of claim – Exercise

Fionnuala leaves her job on 15/03/2017. She claims Universal Credit on 20/06/2017. The DM determines that she does not have good reason for leaving her job.

She has not previously claimed Universal Credit or Jobseeker's Allowance.



What is the appropriate sanction duration?



Should a sanction be imposed?

Sanction period shorter than the period between the pre-claim failure and date of claim - Exercise Answer



The appropriate sanction period is 91 days.



A sanction is not imposed, as the period between the date of the sanctionable failure and the date of claim (95 days) is more than the appropriate sanction period (91 days).

TORP limited to 1095 days - Exercise

Bryony has had two higher level sanctions of 91 days and 182 days imposed on her Universal payments for sanctionable failures in November 2016 and January 2017 (not pre-claim failures).

In May 2017 Bryony fails to take up an offer of paid work. The DM determines that she did not have good reason.

At end of the Assessment Period prior to the decision being made, the TORP stood at 47 days.



What is the appropriate sanction duration?



What is the actual sanction duration?

TORP limited to 1095 days - Exercise Answer



The appropriate sanction period is 1095 days, as escalation applies.



The actual reduction duration is 1048 days. This is because the TORP is 47 days, and it cannot exceed 1095 days.

When a Reduction is to be Terminated

On 22/02/2017 Ben fails to apply for a vacancy without good reason. This is his third higher level failure, so a 1095 day reduction is imposed from 16/02/2017.

On 07/04/2017 Ben starts work. When he receives his first wage at the start of May, his Universal Credit award ends due to the level of his earnings.

The TORP continues to run down during the period that Ben is off Universal Credit.

Ben's employment ends on 14/10/2017 and he makes a further claim to Universal Credit on 17/10/2017. However, the TORP from his previous claim is not applied to his new award.

This is because he has been in work for at least 26 weeks and his earnings exceeded his individual conditionality earnings threshold.

Suspension of a Reduction where a Fraud Penalty Applies

- Example

On 08/05/2017 Mo fails to comply with a work preparation requirement without good reason and the DM determines a reduction period of 7 days is appropriate for a first low level failure.

Mo already has a fraud penalty imposed on his Universal Credit of 26 weeks which is due to expire on 04/06/2017.

The sanction reduction period is suspended and can be imposed from 05/06/2017.

Topic 1 Summary

In this topic you have learned about:

- the different sanction levels
- the sanction duration applicable to each level
- when escalation applies
- the factors that can affect the length of a sanction
- what the Total Outstanding Reduction Period (TORP) is and how it is calculated.

Topic 2

Decision Maker Full Service Action



Topic 2 Objectives

By the end of this topic, with the aid of any reference material, you will be able to:

- describe how to access and complete the appropriate Refer to Decision Maker Sanction To-dos and ALPs
- demonstrate how to record the decision outcome and notify the claimant
- demonstrate how to create and end a sanction on the Full Service.

Topic 2 Summary

In this topic you have learned about:

- the different sanction levels
- the sanction duration applicable to each level
- when escalation applies
- what the Total Outstanding Reduction Period (TORP) is and how it is calculated