



FSDM02

Medium Level Sanctions

Illustrative Examples

Facilitator's Running Note 1
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Medium Level Sanctions Illustrative Examples - Facilitator's Running Note



Before delivery of this module you should familiarise yourself with the contents of the UCFS Facilitator's Support Pack.



FSDM07 Sanctions Workbook is pre-workshop reading. The learners should have read Topics 1, 2 and 4 before attending this workshop.

Timing

It will take approximately 3 hours to complete this workshop.

Workshop Aim and Objectives

Aim

This workshop aims to give you the knowledge and confidence to make reasoned decisions on medium level sanctionable failures.

Objectives

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

- demonstrate how to make a reasoned decision on a medium level sanctionable failure
- explain the principles of good reason
- demonstrate how to use Advice for Decision Making

How to use this Facilitator's Running Note

This Facilitator's Running Note must be read in conjunction with Facilitator's Running Note 2 (FRN 2).

There are five examples for the learners to consider.

Each example contains:

- Personal details about the claimant that relate to their availability for work and their work-search.
- An abbreviated version of their Commitment (sections of standard wording have been removed to save space).
- Details of their worksearch in the week(s) in question.
- Details of their worksearch in previous weeks.
- A statement from the claimant explaining why they didn't do more work-search in the week in question.

These examples are designed to cover different issues that Decision Makers may face.

Learners should use guidance to determine whether or not to sanction the claimant.

You can choose how to run the examples.

Ideally learners should have access to the internet. Get the learners to access Advice for Decision Making.

Ask the learners the questions listed under each example heading in this Facilitator's Running Note.

The expected answers are given under each question.

Learners may have answers that are not expected. The answer might not necessarily be wrong – as long as the learners can back up their opinion using the guidance.

The learners must gather further evidence, if they need it.

For each example in '**ADM Paragraphs to Consider**' the paragraph numbers are listed. The actual paragraphs are in FRN 2.

The guidance used is mostly chapters J3 – Work Related Requirements, K2 – Good reason and K4 – Medium Level Sanctions.



The learners will need to check other guidance chapters for some of the examples.

Joanne Brown

Joanne has been carrying out the following worksearch regularly:

- attending job club (four hours per week plus an hour travelling time)
- checking local papers (three hours per week)
- checking Fish 4 Jobs and Universal Jobmatch (six hours per week including travelling time)

From 05/03/2015 to 11/03/2015 she also spent:

- two days on a CV writing course (assume this works out at 14 hours)
- six hours cold calling
- four hours applying for two jobs.

Joanne did a reasonable amount of worksearch between 05/03/2015 and 11/03/15.

From 12/03/2015 to 18/03/2015 Joanne did the following work search:

- 3 hours (including travelling time) checking Fish 4 Jobs and Universal Jobsmatch

- 1 hour 30 minutes cold calling on employers.
- 4 hours (including travelling time) at Jobclub
- 3 hours checking local papers.

This totals 11 hours 30 minutes.

Joanne states that she lost four days from her usual time available to work search due to dealing with the issues with her mother.



Do you need any more information for this example?



Expected answer 'No'



Did Joanne fulfil the work search requirements as stated on her Commitment between 12/03/2015 and 18/03/2015?



Expected answer 'No'.



What must you now consider?



Expected answer: Did Joanne have a good reason for not doing more work-search between these dates?



What is your decision for this example?



Expected answer: Allow

ADM Paragraphs to Consider

Good reason and onus of proof

ADM K2004

ADM K2005

Personalised requirements

ADM K2007

Gathering and Considering Evidence

ADM K2021

ADM K2022

ADM K2023

A sanction can apply to claimants who do not comply with a work-related requirement

ADM J3002

Work Preparation Requirement

ADM J3040

Work Search Requirement

ADM J3050

Time taken on work search and quality of action

ADM J3052

ADM J3075

Expected hours of work and exceptions

ADM J3053

ADM J3054

ADM J3055

ADM J3061

Although Joanne suffers from asthma, there is no agreement that her work search can be limited to less than 35 hours per week.

All reasonable action

ADM J3063

ADM J3064

Relevant deductions

ADM J3065

Joanne has not spent 35 hours on her work search between 12/03/2015 and 18/03/2013. However, you should consider if a relevant deduction should be made.

Temporary circumstances

ADM J3068

Joanne is dealing with a temporary circumstance - a sudden need to look after her mother, while her mother's condition is being investigated.

The shoplifting incident may also be considered as a domestic emergency.

Joanne has behaved in a reasonable way regarding her mother.

Mark Jones

Mark looks after his 15 year old son. He is available for 25 hours work per week and therefore is expected that he will spend about 25 hours a week on his work-search.

Between 24/02/2015 and 02/03/2015 Mark:

- Created a Universal Jobmatch account 25/03/2015 (30 minutes)
- Attended a Skills/CV workshop 26/02/15 to 27/06/2015 and created a CV (two full days = 12 hours)
- 02/03/2015 completed on line application for a job as a plasterer (one hour)
- Checked the local paper every day (10 minutes each day x 5 days)
- Searched on jobs websites (twice for 2 hours each time)

Between 03/03/2015 and 09/03/2015 Mark:

- 08/03/2015 completed on line application for a job as a Health and Safety Manager (three hours)
- 09/03/2015 completed on line application for a job as a Quality Control Manager (two hours)

- Checked the local paper every day (10 minutes each day x 5 days)
- Searched on jobs websites (four hours x 2 days)
- Called two employers – 30 minutes



Do you need any more information for this example?



Expected answer 'No'



Did the claimant do everything reasonable to look for work between 24/02/2015 to 02/03/2015?



Expected answer no – he could have registered with agencies and spoken to his friends in the building trade.



Some learners may feel that as Mark spent two days on his CV writing course he might not have had time to speak to his friends or register with agencies.

This is a valid point. It depends on the importance that an individual DM puts on these actions.



Did the claimant do everything reasonable to look for work between 03/03/2015 to 09/03/2015?



Expected answer no – he could have registered with agencies and spoken to his friends in the building trade.



Discuss the two jobs that Mark applied for that week.

Were these reasonable actions to take?

The learners should realise that as Mark has no qualifications in either field, applying for these jobs cannot be counted towards his work-search.



What must you now consider?



Expected answer: Did the claimant have a good reason for not doing more work-search?



What is your decision for this example?



Expected answer: Sanction

ADM paragraphs to Consider

Good reason and onus of proof

ADM K2004

ADM K2005

Personalised requirements

ADM K2007

Gathering and Considering Evidence

ADM K2021

ADM K2022

ADM K2023

A sanction can apply to claimants who do not comply with a work-related requirement

ADM J3002

Work Search Requirement

ADM J3050

Time taken on work search and quality of action

ADM J3052

ADM J3075

Expected hours of work and exceptions

ADM J3053

ADM J3054

ADM J3055

All reasonable action

ADM J3063

ADM J3064

Relevant deductions

ADM J3065

Time spent on work search is less than the claimant's expected hours of work

ADM J3075

Mark has relevant deductions and is only expected to look for work for 25 hours per week.

He has not spent enough time looking for work each week. Also, he has not taken all reasonable action as he hasn't registered with agencies or got in touch with old friends that still work in the trade.

He has applied for two jobs that he has no qualifications for. These cannot be counted towards his work-search as they do not give him a possibility of securing work.

Jima Mamo

Jima has been doing the following worksearch regularly:

- Checking Fish 4 Jobs, Jobsite, Indeed and other job search sites daily.
- Between 27/02/2015 and 19/03/15 he also:
- Wrote his CV
- Speculatively approached 114 potential employers.
- Registered with two agencies (and attended interviews with them)
- Applied for seven jobs
- Attended two job interviews

He has four job interviews booked in for the next two weeks.

He has been recording his job search and outcomes on a spreadsheet he created.

He is following up his applications, interviews and speculative approaches at a reasonable time.



A copy of Jima's spreadsheet is not included, only because of the length of time it would take the learning designer to write it.

Let the learners know that Jima has supplied a copy of the spreadsheet, which provides a detailed record of the employers he speculatively approached, and his applications.

The employers on Jima's spreadsheet are all financial or accounting companies, or large companies that could be expected to have a financial or admin department.

He has reminders for follow-ups etc.

Jima did a considerable amount of worksearch between 27/02/2015 to 19/03/2015

Between 20/03/2015 to 26/03/2015 Jima did the following work search:

- Checked Fish for Jobs, Universal Jobmatch and other worksearch sites daily. (1 hour per day)
- Checked social media daily. (25 minutes per day)

This totals 10 hours.



Do you need any more information for this example?



Expected answer 'No'



Did the claimant do everything reasonable to look for work between 20/03/2015 and 26/03/2015?



Expected yes.



You may need to discuss this answer with the learners.

Jima is using the internet effectively.

Jima has speculatively approached all the potential employers within travelling distance. The learners should realise that Jimma is right not to approach them again so soon.

He has been thinking about the best use of his time (changing from visiting the employers in person to e-mail and phone calls).

He has been researching the employers he has approached. This will allow him to tailor his approaches.

He has realised that employers sometime check potential employees' social media – he has removed 'frivolous' photographs from Facebook to ensure he is presenting himself on-line properly.

There was little further action he could take between 20/03/2015 and 26/03/2015.

The learners may suggest other actions that Jimma could have taken. Note that the Work Coach has not identified any other actions he could have taken.



What is your decision on this example?



Expected answer: No sanction

ADM Paragraphs to Consider

Good reason and onus of proof

ADM K2004

ADM K2005

Personalised requirements

ADM K2007

Gathering and Considering Evidence

ADM K2021

ADM K2022

ADM K2023

A sanction can apply to claimants who do not comply with a work-related requirement

ADM J3002

Work Search Requirement

ADM J3050

Time taken on work search and quality of action

ADM J3052

ADM J3075

Expected hours of work and exceptions

ADM J3053

ADM J3054

ADM J3055

All reasonable action

ADM J3063

ADM J3064

In this example Jima has been trying to make the best use of his time. For instance, he has not approached employers that he approached recently. However, he has been following up when he hasn't heard from the employers.

Jima has approached appropriate companies. Using the internet and agencies is the best method of worksearch for the type of work he is looking for.

He uses social media appropriately – contacting friends and asking them for help, and following potential employers.



Employers often check applicants social media (such as Facebook) to check on their behaviours etc. By removing ‘frivolous’ photographs from his Facebook page, Jima has demonstrated that he understands the importance of social media in ‘selling’ himself.

Time taken on work search and quality of action

ADM J3052

ADM J3075

Jima has not spent 35 hours on his work search between 20/03/2015 and 26/03/2015. However, you should consider whether he has taken all reasonable action.

Action taken in previous weeks

ADM J3091

As Jima has contacted every suitable employer within travelling distance in the last three weeks, has registered with agencies and created a CV recently, it would be reasonable for Jima to continue to search on-line.



If we put too much emphasis on the number of hours work search a claimant has done each week, we are in danger of encouraging claimants to:

- take steps that won't help them find work, but will fill up the time (for example approaching employers that they have already approached recently) or
- spend less time work-searching in the first few weeks of their claim, so that they can save up actions for later.



You should look at each case individually and consider the quality of claimant's work search rather than solely concentrating on the hours they have spent looking for work.

Kate Daventry

- Kate claimed Universal Credit on 09/03/2015.
- She is 32, and has no health conditions.
- She is a science teacher. She has been employed at St Ursula's Roman Catholic School for 8 years before being made redundant. Since then she has been re-employed by St Ursula's for 26 weeks to cover another member of staff's maternity leave.
- She has a car.
- She has internet access at home.
- Expected to undertake work search for 35 hours per week.



Discuss this example with the learners.

The Work Coach has given very little information about why they think Kate hasn't done enough Work Search.

They have pointed out that they did not suggest or agree that Kate should go on the Open University Course.

The question is whether the Open University Course will improve the claimant's prospects of finding work, and can it be classed as worksearch.



If the learners have access to the intranet, get them to access Advice for Decision Making and find guidance about Open University Courses.

DWP A to Z > A > Advice for Decision Making > Universal Credit (UC) chapters > H6: Students and Student Income, paragraph H6087



Do you need any more information for this example?



Expected answer: Yes – we need to know if the 12 hour Open University Course will improve her employment prospects.



ADM K2031 explains that a Decision Maker should seek further evidence to clarify reasons. ADM K2032 explains what a Decision Maker should do to gather further evidence.



Discuss with the learners:

- Who would they get in touch with?
- How would they get in touch with them?
- What questions would they ask?

The learners could contact the Work Coach, but would probably be better contacting the claimant. She will have more details.

They should try to contact the claimant by phone. They can write to the claimant if they are unable to get in touch with the claimant by phone.

They need to ask:

- What the course was.
- How it improves her employment prospects.



Get the learners to think of how they would introduce themselves on the phone and how they would end the call.

Ask one of the learners to represent the group. Get them to ask you the questions for the claimant.

Take the part of the claimant.



Use the information below to answer the learners.

The course was a creative writing course. You (Kate) undertook it because you fancy writing a novel. However you don't expect to make a living as a novelist. You believe that any education makes you a more rounded person and so improves your employability.

It will also help with writing covering letters to employers and with CV writing.



Do you believe that the Open University course would improve Kate's employability?



The expected answer is 'yes', however some learners may accept the claimant's argument.



Would you accept the 12 hours spent on the Open University Course as work search?



The expected answer is 'yes', it is work search. (Some learners may not accept that it could improve her employment prospects).



Did the claimant do everything reasonable to look for work between 19/03/2015 to 25/03/2015?



The expected answer is 'yes', however some learners may not accept the claimant's reasons.



If the learners disagree with each other you may want to have a discussion to see whether you can reach a consensus.



What is your decision for this example?



Expected answer: The learners' answer will depend on whether they believe the Open University Course can enhance her employment prospects.



Expect this example to cause a lot of discussion.

This decision is very subjective.

It is up to the learners to decide whether the 12 hours spent doing the Open University course could improve the Kate's prospects of securing employment.

ADM Paragraphs to Consider

Good reason and onus of proof

ADM K2004

ADM K2005

Personalised requirements

ADM K2007

Gathering and Considering Evidence

ADM K2021

ADM K2022

ADM K2023

A sanction can apply to claimants who do not comply with a work-related requirement

ADM J3002

Work Search Requirement

ADM J3050

Time taken on work search and expected hours

ADM J3052

ADM J3053

All reasonable action

ADM J3063

ADM J3064

In this example Kate has been searching for work (or doing activities to improve her employability) for 35 hours in both weeks.

Best prospects of obtaining work

ADM J3080

ADM J3083

Kate's Open University Course is likely to improve her prospects of finding work.

Liam O'Connor

- Liam claimed Universal Credit on 02/03/14.
- He is 28, divorced and has no health conditions.
- Liam is available for work on Fridays and Saturdays (He has child care responsibilities).
- He has a car.
- He has internet access at home.
- Expected to undertake work search for 10 hours per week.



Do you need any more information for this example?



Expected answer 'No'



Liam should not be subject to any work-related requirements as he is the responsible carer for a child under one. The failure should not have been referred to the DM.

Contact the Work Coach to get Liam moved into the 'No Work Related Requirements' group.

ADM paragraphs to consider

Caring for a child under the age of one

ADM J2058



In theory, this scenario shouldn't happen, as full service automatically allocates the claimant to the correct conditionality group and regime, based on their individual circumstances.

However, it is possible that a claimant could be placed in the wrong group and regime using the Override functionality.