



UCDMA011 Sanctions Decisions for Account Developers Workshop

April 2016

**Facilitator Led Brief
v11.0**

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Topic	Topic title	Duration
Intro	Introduction for Facilitators	
Topic 1	Review of Previous Learning	30 Minutes
Topic 2	Non-Complex Cases	60 Minutes
Topic 3	Failed to Attend	60 Minutes
Topic 4	Case Studies	120 minutes
Topic 5	Module Summary	15 minutes
Total duration of all topics		

Important Information:



The following table has details of which topics are required by each Job Role.

The Universal Credit Learning Journey has a full list of all the learning modules required for each Job Role and the order in which they should be delivered/completed.

This can be viewed on the LDO Support Site.

Job Role	Learning Required	Duration
Account Developer	All topics	4 Hours 45 minutes
Account Developer Decision Maker	All topics	4 Hours 45 Minutes



Throughout the learning references may be made regarding letters, forms, templates and notifications.

If you have Intranet you can ask the learners to access 'About Universal Credit' for the following areas:

- Sanctions Hub
- Handling sanction referrals and notifications

[Handling sanction referrals and notifications](#)

Introduction for Facilitators



Before delivery of this module you should familiarise yourself with the contents of the Facilitators Preparation Pack.

This learning is aimed primarily at account developers and account developer decision makers to prepare them for their role of administering Universal Credit Sanctions.

Before completing this module the learners should have completed the following modules:

- DMA001 Sanctions Workbook
- DMA002 Sanctions Length
- DMA007 Decision Making for Account Developers
- UC086 FTA for Account Developers

The learning contained in this module builds upon that which has taken place in those modules. They can be considered as pre-requisite learning.

In addition to those modules some learners may have completed module **UCDMA021 Sanctions**. It would prove to their advantage if they have.

Previous learning journeys or route-ways may have signposted the completion of module “DMA 010 Sanctions Decisions for Account Developers”. That product has been superseded by this module, its content incorporated within it.



Show Slide 1 – UC DMA 011 Sanction Decisions for Account Developers

Module Aims and Objectives



Show Slide 2 – Workshop Aims and Objectives

Aims

This workshop aims to give you the knowledge and understanding to make a non-complex sanctionable decision regarding Universal Credit.

Objectives

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

- define the term 'non-complex' and recognise when a case is non-complex or not
- explain why account developers can only make sanction decisions on non-complex cases
- explain when you would make a non-complex decision
- describe the consequences of making incorrect decisions

Topic 1 – Review of Previous Learning



This topic should take approximately 30 minutes



Show Slide 03 – Topic 1 - Review of Previous Learning

Reference can now be made to previous learning and explaining that this module develops and increases that learning and understanding.



Show Slide 04– Topic 1 Aims and Objectives

Aims

This topic aims to check your understanding of the previous learning.

Objectives

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

- demonstrate your understanding of the previous learning.

Review Quiz

We will start with a quiz to check what you already know about making sanction decisions.



Allow 25 minutes for this activity.

Divide the learners into two teams.

You can choose how to run this activity. You can:

- ask each team a question in turn
- you can use some sort of buzzer or bell and allow the teams to 'buzz in'

If you have a large number of learners you may need more than two teams. In which case the buzzer system will work better.

Keep track of the correct answers on flip-chart or a wipe-board.



Question 1.

What is a sanction?



A penalty imposed on a claimant for failing to meet the conditions for receiving Universal Credit.

The conditions for receiving Universal Credit should have been clearly explained to the claimant by a Work Coach.

They should also have been described in various leaflets and information packs issued to the claimant. A claimant would have agreed their “Claimant Commitment”.

The sanctionable offence will be connected to the claimant’s failure to keep to this commitment.



Question 2.

What happens to a claimant’s benefit when a sanction is imposed?



Benefit payments are reduced or stopped.

Account Developers will make decisions regarding the imposition of a sanction so they will have an important responsibility as that decision affects the livelihood of the claimant.



Question 3.

What group of claimants cannot have a sanction (other than a fraud penalty) imposed on their benefit?



The No Work Related Requirements group.

This question revises knowledge concerning the conditionality groups and regimes introduced for Universal Credit. Understanding the group and regime in which the individual is placed is of great importance to the Account Developer in determining the imposition of a sanction.

The following topic provides more information regarding conditionality groups and regimes but you may wish to discuss them at this moment.



Question 4.

Which job-role will make most of the decisions about whether or not to sanction a Universal Credit award?



The Decision Maker (Band C).



Question 5

What type of sanction decisions can Account Developers make?



Non-complex sanction decisions.

The definition and application of “non-complex” can be found in the next topic.



Question 6

In Fail To Attend (FTA) cases what is the first thing you would look for?



As Account Developers are individuals there will be no set answer here so bonus points may have to be awarded!

Answers should include the conditionality group; why the claimant was FTA; a reference to Good Reason.

FTA action will be considered in Topic 3



Question 7

A claimant can be sanctioned for voluntarily leaving paid work without good reason. What other reason for leaving work can cause a sanction?



Being dismissed for misconduct.

Both examples in this question can also be considered as “pre-claim failures” as well as causes for a sanction. They will be discussed in greater detail in the following topic.



Question 8

A claimant forgot to complete a work preparation requirement. What must be considered before the case can be referred to a Decision Maker or sanctioned?



Whether the claimant had an obvious good reason for forgetting. For example has the claimant a mental health condition or on medication that could cause them to forget?

The topic of Good Reason was considered in DMA001. It is an important concept relevant to the vast majority of decisions an Account Developer will make regarding sanctions.

ADM Chapter K2 provides advice on Good Reason.



Question 9

A claimant is referred to the Work Programme. How might this cause a sanction on their award?



Their award could be sanctioned if they fail to participate on the programme, or if they leave it early without a good reason, or if they fail to carry out any mandatory activity stated by the provider.



Question 10

What is reconsideration?



Looking at a decision again to see if it should be changed. (This could mean lifting a sanction or imposing a sanction on a decision that had been previously allowed.)

It is quite likely that Account Developer's will be involved in reaching a reconsidered decision as well as taking the necessary administrative and system action.



Add up the scores and congratulate the winning team.

Conclude the topic by reviewing some of the points made by completing the quiz. Emphasise the following points:

- the importance of knowing the conditionality group
- relevance of Good Reason
- the importance of determining what is a complex decision

Topic 2 – Non-Complex Cases



This topic should take approximately 45 minutes



Show Slide 05 – Topic 2 – Non-Complex Cases



Show Slide 06 - Topic 2 Aims and Objectives

Aims

This topic aims to check your understanding of what is meant by ‘non-complex’ cases. It is to allow discussion of the issues surrounding non-complex decisions.

Objectives

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

- define the term ‘non-complex’
- explain why Account Developers can make sanction decisions only on non-complex cases.
- describe the consequences of making incorrect decisions

What are Non-Complex Cases?

An account Developer makes non-complex decisions regarding the imposition of sanctions.

The term “non-complex” is defined as a decision not requiring any consideration; that is, it does not require thinking about.



Lead a discussion about non-complex decisions. Allow 25 minutes. Record salient points on flipchart or whiteboard.

The discussion should cover the following points:

- the definition of ‘non-complex’ as provided above both examined and understood

Any area of consideration means a decision is complex from the Account Developer’s point of view. Ask the learners if they prefer to write with a pen or pencil. Making a determination is a non-complex process. Explaining why they have a preference is a complex decision.

- what might seem like a non-complex decision can become complex
- Account Developers should check whether the claimant has a health-condition or complex personal circumstances which might make it difficult for them to comply with a requirement

- Decision Makers are trained in researching the law, gathering evidence, weighing the balance of probability etc. Account Developers are not

Account Developers must not make decisions on complex cases even if they are experienced, and have seen decisions on similar cases.

If complex decisions are made by staff not trained to make them, there will be incorrect sanctions, a rise in the number of reconsiderations and appeals, and that in turn could lead to questions being asked in Parliament.

- Sanctions can only be imposed on certain groups of Universal Credit claimants:
 - claimants in the All Work Related Requirements Group can be sanctioned for any failure
 - Work-Focused Interview and Work Preparation Requirements Group claimants can only be sanctioned for failing to undertake a Work Preparation Requirement or failing to participate in a Work Focused Interview
 - the Work -Focused Interview Group can only be sanctioned for failing to participate in a Work - Focused Interview



Issue Handout UCDMA011- 01 Complex and Non-Complex Sanction Decision Matrix

You may wish to issue the handout at an earlier point if you consider it would help facilitate the discussion.

The matrix lists the decisions that can be considered as sanctionable and determines if they are complex or non-complex.

One of the issues in interpreting the difference between “complex” and “non-complex” is that some decisions can enter into both categories.

For example:

When a claimant leaves paid work, or loses pay, a sanction will be imposed if they cannot show Good Reason. The Account Developer decides non-complex cases, while the Decision Maker decides the complex cases.

If the claimant does not provide evidence as to why they left paid work or lost pay, the Account Developer determines this to be non-complex and imposes a sanction.

If the claimant provides evidence, for example, they just state on the UC84, “I left”, without further information or details then this too can be non-complex.

The important point is for the Account Developer not to think about the reason. If they have to think about the reason they are considering it which means that reason would be a complex decision.



Issue Handout UCDMA011-02 Non-Complex decisions for Account Developers

You may wish to issue the handout earlier point if you consider it would help facilitate the discussion.

This handout covers a variety of aspects regarding sanctions decisions made by an Account Developer.

There are four different levels of sanctions for the AD to consider.

Higher level sanctions include *pre-claim failures*, a reference which is defined in the handout. There can be possible confusion with a *re-award* of Universal Credit. They are two separate things. A pre-claim failure sanction can only apply when another claim has been made.

A further section of the handout concerns “Other Issues” that need to be addressed during the discussion:

- Escalation cases were referred to in previous learning and will be considered during the case studies
- Trial Periods
- Zero Hour Contracts

The final section of the handout describes “Treat as Straightforward” or TaS conditions. It should be stressed these conditions are only relevant to those cases when a claimant fails to attend (FTA) an interview. There is more about FTA in the next topic.

Topic 3 – Fail to Attend Cases



Allow 1 hour for completion of this topic



Show Slide 07 – Topic 3 – Failed to Attend Cases



Show Slide 08 – Topic 3 Aims and objectives

Aims

This topic aims to provide knowledge and give confidence to Account Developers in making sound decisions on Failed to Attend (FTA) cases.

Objectives

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

- explain the job roles involved in Failed to Attend cases when applied to Universal Credit
- demonstrate how to differentiate between complex and non-complex reasons and which role implements them
- who applies Good Reason and the role of the AD DM in that process.

Fail to Attend (FTA) – Process Overview

Universal credit legislation states that a claimant is required to participate in a Work Focused Interview (WFI).

This means that

- An appointment must be made
- The claimant must attend that appointment
- The claimant must participate in that appointment

A claimant can be required to participate in more than one WFI as specified by the Work Coach.

Job Roles in the Failed To Attend Process

It will be the Work Coach (or Assistant Work Coach) who identifies if a claimant is FTA. They may go on from that and determine if the reason for FTA can be Treated as Straightforward, (TaS) (see below).

This learning will concentrate on the role of AD in the FTA process.

There are three distinct roles within the process:

- Account Developer (AD)
- Account Developer Decision Maker (AD DM)
- Decision Maker (DM) who is Band C.



Show Slide 09 – Job Roles and Failed to Attend Cases

This list can be considered as the route through which a case can be progressed to reach a decision. The case starts with the AD who may, or may not, refer the case to the ADDM who in turn, may or may not, refer it to the DM.

Treat as Straightforward

The Treat as Straightforward provisions, also known as TaS, enable the AD to accept a claimant's reason or reasons for FTA without the need for a Good Reason decision.

Cases can be treated as straightforward if the claimant

- was suffering a temporary period of sickness
- had a domestic emergency to include serious illness, death, funeral or emergency affecting a close friend or death of someone the claimant is caring for
- was detained in police custody for 96 hours or less then released
- was required to attend court or tribunal
- was attending a job interview
- there were adverse weather conditions

- had accessed the domestic violence conditionality easement within the last 12 months
- was at work or travelling to or from work



This list can be found toward the end of **Handout DMA011-02** that was issued previously. You should bring this list to the attention of the learners.

You need to stress that the TaS provisions refer to FTA cases only and not to other sanctionable reasons.

The AD will consider the TaS provisions and if they apply to the case then there will be no decision to make.

It is possible the Work Coach or Assistant Work Coach may have applied the TaS provisions. In this eventuality the AD is unlikely to receive the FTA referral.

Next Steps for the AD

In the previous topics it was identified an initial role of the AD was to consider if the case was complex or non-complex.

In FTA cases they first determine TaS provisions and if they do not apply they will refer the case to ADDM. The AD will not determine if the case is complex or non-complex. The ADDM determines if a case is complex or non-complex.

Determining if a Case is Complex – the ADDM

It is the ADDM who will determine if a case is complex or non-complex. Initially the ADDM will identify if the case can be automatically considered as being complex.



What are the two instances which would make a case automatically complex?



- The claimant has complex needs which means the claimant is vulnerable
- In the previous 12 months the claimant has had a sanction imposed (for any reason)



Having established the automatic reasons for treating a case as complex the learners now need to consider which reasons are *not* complex.

Lead a discussion on what reasons a claimant would give for failing to attend.

You may wish to record the responses on flipchart or the whiteboard.

The following slide identifies some examples which are in the text below. You may wish to present the slide to coincide with the discussion.



Show Slide 10 – Examples of Failed to Attend

The reasons are listed on the slide without differentiating between what is complex and non-complex. The text below does differentiate.

The list is not exhaustive.

Non-complex examples:

- I forgot
- I missed my bus
- I overslept
- I missed my bus because I overslept.

Complex examples:

- I forgot because my mum was rushed into hospital and I had to accompany her
- The bus was late or didn't turn up
- I overslept because of my medical condition
- I overslept because I had a late night as I had stayed in hospital with my child.

Many of the complex reasons become so because of greater explanation given to the basic reason. Thus “I overslept” is non-complex while “I overslept because ...” becomes a complex reason.

If the ADDM determines the reason is complex the case is referred to the Band C Decision Maker.

If the ADDM determines the reason as non-complex then they can impose a sanction.

Good Reason

Good Reason as a concept was introduced in previous learning. Good Reason considers the following points:

- what would be reasonable to expect someone to do in the particular circumstances
- how would someone in work react in similar circumstances
- what were the claimant's reasons for FTA?

It is for the Band C DM to apply Good Reason. The ADDM refers the case to them.

However, the claimant needs to be given the opportunity to provide their reason or reasons for FTA. The ADDM will ensure the good reason is gathered, preferably by telephone.

Completion of this task could well be delegated to AD.

Topic 4 – Case Studies



This topic should take approximately 2 hours



Show Slide 11 – Topic 4 – Case studies



Show Slide 12 – Topic 4 Aims and Objectives

Aims

This topic aims to give you practice deciding whether a case is non-complex or not. It will also give you practice making a non-complex decision.

Objectives

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

- recognise whether a case is non-complex or not
- explain when you would make a non-complex decision
- demonstrate how to calculate sanction length

In this topic we are going to look at a number of case studies for different types of sanction decisions. We are going to start with Misconduct and leaving paid work voluntarily.

Leaving Paid Work and Losing Pay Voluntarily or through Misconduct



Show Slide 13 – Case Study - Connor

The information below, concerning Connor is contained on the slide.



Connor claims Universal Credit. After a month he finds full-time work above the earnings threshold. He no longer receives Universal Credit.

After working for three months he is dismissed for misconduct. Connor is re-awarded Universal Credit.

Can a sanction be considered?



No. A re-award is not a new claim for Universal Credit. Sanctions for pre-claim failures cannot be imposed in these circumstances.

As you know, leaving paid work and losing pay voluntarily or through misconduct are known as pre-claim failures.

A pre-claim failure can only result in a sanction if a claim is made after the failure.



Show Slide 14 – Case Study 1 - Misconduct

Lionel is in the All Work Related Requirements Group. He states that he has been 'sacked for gross misconduct because I hit another employee.' The employer states that Lionel was 'dismissed for gross misconduct because he hit another employee.'



Is this a complex or non-complex case? Can you, as an Account Developer make a decision on it?



It is a complex case. Account Developers cannot make a decision on it. It might look straight forward because both sides agree Lionel carried out an act of violence but it is still referred to a Decision Maker.



If the learners consider this is not complicated refer them to:

Advice for Decision Making > Chapter K3 > paragraphs K3069 to K3200.

If they have access to the intranet you may want them to look up the guidance now.

Decisions concerning a job ending because of misconduct are usually very complicated. In misconduct cases, the onus of proof lies with the DM. The DM must establish that:

- the claimant behaved as the employer alleged
- the claimant's actions or behaviour amounted to misconduct
- the claimant lost paid work through that misconduct



This is complex decision making and can only be decided by a DM. The claimant will not have an opportunity to show Good Reason but will be given the opportunity to provide facts and evidence for consideration. This means that the Decision Maker will need to investigate.

The investigation tries to gather evidence from the two sides – the claimant and the employer.



If an employer doesn't reply to enquires, what decision will you make?



You, the AD, will **allow** the case. If an employer fails or refuses to provide any evidence about the claimant's dismissal, there is nothing to consider. Therefore, a non-complex decision is appropriate, and a sanction would be not imposed.



Losing work through misconduct only attracts a sanction if it happens **before** a **claim** for Universal Credit. The claimant **cannot** be sanctioned if they were dismissed for misconduct before a **re-award** of Universal Credit.

Let's look at a leaving paid work voluntarily case.



Show Slide 15 – Case Study 2 - Leaving Paid Work Voluntarily

Rachel has just made a new claim for Universal Credit. She is in the All Work Related Requirements Group.

Rachel states that she 'walked out' on her last job. She hasn't given any reason for doing so. She hasn't responded to enquiries.



Is this a complex or non-complex case?



It is non-complex – Rachel hasn't given a reason for walking out. Therefore a sanction can be imposed.



Before imposing a sanction what else do you need to determine in a case like this?



Whether Rachel left during a trial period and whether she left the job **before** a **claim** for Universal Credit.



As in cases of misconduct, leaving work voluntarily only attracts a sanction if it happens before a claim for Universal Credit. The claimant cannot be sanctioned if they left before a **re-award** of Universal Credit.



Do not let the learners confuse trial periods for Universal Credit with trial periods (also called Employment on Trial) for 'old style' Jobseekers Allowance. There are different rules covering them.



Guidance concerning Trial Periods can be found in

Advice for Decision Making > Chapter K3 > Paragraphs K3211 to K3220.

To develop the case study use the following information:

Before starting the job Rachel was claiming Universal Credit for three weeks. She had worked full time for fifteen weeks before she left the job.

Ask the learners whether Rachel left work during a trial period.

Expect the answer to be no. Rachel was in the job for too long. You can decide to sanction her award.

Remember that even if a claimant leaves their job after 4 weeks and before 12 weeks, they will not necessarily have left during a Trial Period.

The claimant would need to be trying work outside their previously agreed limitations.

You may wish to remind the learners of Handout DMA011 – 02.



Guidance regarding misconduct and leaving paid work voluntarily can be found in Advice for Decision Making > Chapter K3.

The Work Programme

The Work Programme is the most frequently used of all the Employment Programmes.

Guidance can be found regarding The Work Programme in Advice for Decision Making > Chapter K5 > paragraphs K5030 to K5049.



Show Slide 16 - Case Study 3 – Failure to Participate in the Work Programme

Uchefuna (pronounced U-cha-funa) did not start the skills training on 07/05/2014.

She was trying to get a plumber to sort out a burst pipe.



Is this a complex or non-complex case?



This is a complex decision refer to DM.

Although Uchefuna had a domestic emergency, the TaS provisions do not apply to Work Programme interviews. Refer to handout DMA011 – 02.



Show Slide 17 – Case Study 4 – Failure to Participate in the Work Programme

Frank didn't get to his interview because he missed his bus. He missed his bus because he hadn't checked the bus times.



Lead a discussion about whether the learners think this case is complex or non-complex.

In this scenario Frank missed the bus because he did not check the timetable.

Can the learners think of any good reasons for Frank not to check the timetable?

Examples might be:

Frank has used this bus before, but the timetable changed since.

Frank had no way of checking the timetable before leaving home.

If Frank gives some reason for not having checked the timetable, the case could be considered as complex.

In this case Frank does not have a reason for not checking the timetable – he just never thought about it.



Is this a complex or non-complex case?



Non-complex.



What decision would you make in this case?



You would sanction this case.

Frank missed the bus because he did not check the timetable therefore it is his own fault. He missed his appointment and he does not have good reason.

If there is any doubt about it then it would be both reasonable and acceptable to refer the case to a Decision Maker.

While on the Work Programme a claimant can be required to undertake a specific activity which the provider considers will help enhance their employment prospects e.g. attend a CV workshop, attend a skills assessment.

If a claimant fails to carry out this mandatory activity you will need to identify the sanctionable failure and the appropriate sanction level.

During 'Live Running', the provider will issue the claimant with a compliance condition notification. This is because the claimant may be subject to a sanction, comprising of an open ended element and a fixed period if they fail to undertake a mandatory activity.

The compliance condition is the action that the claimant needs to take to stop the open ended element of the sanction building.



The action taken under 'Live Running' is undergoing re-consideration so is subject to change.



The action to take on referrals by third party providers is covered in WS015 Decision Maker processes.

Mandatory Work Activity



Guidance regarding Mandatory Work Activity can be found in Advice for Decision Making > Chapter K3 > paragraphs K3036 to K3044.



Show Slide 18 Case Study 5 – Failure to Participate in Mandatory Work Activity

Valerie agreed to undertake Mandatory Work Activity. On her second day she was asked to leave because she was repeatedly caught smoking in a non-smoking area.



Is this a complex or non-complex case?



Complex. It is a case of failing to participate in Mandatory Work Activity due to inappropriate behaviour. It is similar to misconduct.



What would you do in this case?



Refer it to a Decision Maker.



Show Slide 19 – Case Study 6 – Failure to Participate in Mandatory Work Activity

Lech (pronounced Lek) was due to start Mandatory Work Activity but he did not attend on the first day. He says that he wasn't notified about the start date.



Is this a complex or non-complex case?

From the information presented this can not be answered unless something is checked. The follow up question therefore is, 'What needs to be checked?'



Check to see whether the notification was sent to him.

In this case you cannot find any evidence to show that the notification was sent to Lech.



Is this a complex or non-complex case?

What will you do next?



Non-complex. As Lech wasn't notified of the start date he could not be expected to attend. The case would be allowed.

Had you found evidence to show that Lech had been notified you would need to refer the case to the Decision Maker.

Deciding the Sanction Length



Learners should have completed DMA002 Sanction Length before starting this event. The following should therefore, not be new to them.



What information will you need to know before you can work out the length of the sanction?



Write the answers on flip-chart or wipe-board. Ensure that you write them in the order given. (You can abbreviate the answers.)



- The level of the sanction
- The sanctionable failure date
- Previous sanction history - so you can decide whether the sanction should escalate
- Whether the claimant has now complied with the requirement - for low-level and lowest-level sanctions only
- The date that the claimant complied with the requirement – low-level and lowest-level sanctions only



Issue Handout 03 –Escalation of Sanctions

This is a table showing the escalation the levels of the various sanctionable failures and the AR Codes for Universal Credit Failures.

The handout covers escalation for claimants aged 18 and over. There are different escalation rules for claimants aged less than 18.

To demonstrate the calculation of sanction length we will look at the two cases we decided to sanction – Rachel and Frank.



Create a table out of the visual aid showing the answers to the last question.

The table should look similar to the one below.

	Rachel	Frank
The level of the sanction		
The sanctionable failure date		
Previous sanction history		
Now complied?	Not Applicable	
Date Complied	Not Applicable	
Length of Sanction		



Allow 10 minutes

Ask the learners the following questions. Where appropriate fill in the table as the learners answer the questions.

Using the earlier case study for Rachel, we will now consider the Sanction length to apply.



Show Slide 15 again to remind the learners of the details of the case study.

You have checked the UC Portal, and established Rachel's previous claim details and sanction history.



Show Slide 20 – Sanction Length – Rachel

Prior to the latest sanctionable failure, Rachel worked for 6 months for another employer but was dismissed for late attendance. She subsequently claimed Universal Credit on 14/11/13. She was sanctioned for Misconduct on 6/12/13 for 91 days.

She started another job on 12/12/13 and her earnings exceeded the Conditionality Earnings Threshold.

She then left this job voluntarily on 26/08/2014 and has now claimed Universal Credit again from 25/09/2014.



Establish the level of Rachel's latest sanctionable failure.

This should be the Higher Level.

A sanction can be imposed on her award because she has made a new claim to Universal Credit. It is not a re-award.



What is the date of her sanctionable failure?



26/08/2014



What is her sanction history?



91 days for misconduct. (This is her only previous sanction).

The misconduct sanction is another higher level sanction.
The misconduct sanction occurred within 364 days but not 13 days of the leaving voluntary sanctionable failure.



Does the misconduct sanction cause the leaving voluntary sanction to escalate?



No – the misconduct is a ‘pre-claim’ failure, that is, it happened while the claimant was not claiming benefit.



For more about pre-claim failures see:

Advice for Decision Making > Chapter K3 > Paragraphs K3024 to K3030.



What length of sanction will you impose?



62 days. (That is 91 - 29 days).



Rachel did not claim Universal Credit immediately after leaving her job. She waited 29 days before claiming, so these days must be deducted from the appropriate sanction length.



Can the full length of the sanction be added to the Total Outstanding Reduction Period (TORP)?



Yes. The TORP has not reached 1095 days.



Applying sanctions is covered in UCDMA021 Sanctions.

Using the earlier case study for Frank, we will now consider the Sanction length to apply.



Show Slide 17 again to remind the learners of the details of the case study.

You have checked the Agent Portal and established Frank's claim and previous sanction history. Frank has been on UC since 05/05/2013.



Show Slide 21 – Sanction Length - Frank

Frank has been on UC since 05/05/2013. He has been sanctioned twice earlier in his award:

- failing to attend a job search review on 30/05/2013 - 10 days (3 days open ended until compliance followed by 7 days fixed period)
- failing to attend the Work Programme on 12/08/2013 - 19 days (5 days open ended until compliance followed by 14 days fixed period)

He then failed to participate in the Work Programme again on 02/07/2014.



What level is Frank's sanctionable failure?



Low Level.



What is the date of his sanctionable failure?



02/07/2014.



What is his sanction history?



Sanctioned failing to attend a job search review on 30/05/13
- 10 Days.

Sanctioned failing to attend the Work Programme on
12/08/2013 - 19 Days.



Do any of these sanctions cause the failing to undertake
Work Search Requirements sanction to escalate?



Yes – the sanctions are both low level.



Should any of the learners query the length of the sanction remind them that low level sanctions are made up of an open-ended period as well as a fixed-period. It's the fixed-period that escalates. The open-ended period finishes when the claimant complies with the condition for receiving Universal Credit.



What else do you need to check for a low level sanction?



Whether the claimant has complied and the date they complied.

In this case Frank has not yet complied.



What length of sanction will you impose?



An open-ended period followed by a fixed period of 28 days.



Learners may query why the fixed period sanction escalates to 28 days and not 14 days when there is only one sanction in the last 364 days. This is because we only look at the last sanction of that level. If the last failure occurred in 364 days but not within 13 days of the current failure, the new sanction will escalate. As the sanction in the last 364 days was open-ended plus 14 days, we would now escalate this latest sanction to open-ended plus 28 days.

Reconsiderations

As an Account Developer you can reconsider Account Developers' decisions (as long as the reconsideration isn't complex).



Lead a discussion about reconsidering sanction decisions.

Do the learners think they'll often be called on to make reconsiderations for sanction decisions?

When do they think they will need to make reconsiderations?

Check that the learners know what a Mandatory Reconsideration is.

Expect the following points to be raised:

- Account Developers won't often be able to reconsider sanction decisions because Account Developers cannot make Mandatory Reconsiderations
- A Mandatory Reconsideration is one that is being made because a claimant disputes the original decision
- Account Developers may make non-complex reconsiderations if they find out more information that would have had a bearing on the original decision
- They may make non-complex reconsiderations if they notice that an Account Developer has made an incorrect decision
- If in any doubt they should ask a Decision Maker to reconsider the decision

Topic 5 Summary



Show Slide 22 – Topic 5 - Summary



Show Slide 23 – Module Summary

In this workshop we have:

- reviewed your previous learning
- discussed what is meant by non-complex decisions
- discussed Failed to Attend cases
- worked through case studies on the sanctionable failures that Account Developer might make a decision on
- practised calculating sanction length; and
- discussed the circumstances in which Account Developers might reconsider a sanction



Check whether the learners have any questions.

Next Steps

If you have not already done so, you will need to complete UCDMA021 – Sanctions.

End of Workshop