

# **Skills Conditionality – Wales / Skills for Work (Wales) Adviser Guidance**

## **Section 1 – Skills Conditionality – Wales**

### **Skills Conditionality – Wales Overview**

1. Skills Conditionality is a process where claimants are mandated to attend, participate and complete skills provision.
2. Skills Conditionality using mandatory referrals is intended to reduce the number of claimants who fail to attend, take part and complete the skills training that they require.
3. Jobseeker's Allowance (JSA) and Employment and Support Allowance (ESA) claimants in the Work Related Activity Group (WRAG) who have a literacy, numeracy or English language skills need which is the main barrier to them moving into work should be mandated to skills provision to address these needs.
4. Advisers identify suitable claimants who are mandated to attend, take part and complete the provision.
5. Where a claimant fails to attend, take part or complete the provision they risk having sanctions applied to their benefit.
6. All claimants referred under Skills Conditionality must be issued written notification informing them of the requirements to attend, take part and complete the provision and the consequences of failing to do so.
7. Skills Conditionality – Wales applies to all referrals to Skills for Work (Wales) provision.
8. Skills Conditionality in Wales only applies to Skills for Work (Wales) provision.
9. Referrals to other types of provision or Careers Advice are not within the scope for Skills Conditionality in Wales. These remain non-mandatory referrals.

### **JSA claimants**

10. Skills Conditionality applies to those claimants 18 and over claiming Jobseeker's Allowance including those in joint claims.

### **ESA WRAG claimants**

11. ESA WRAG claimants are expected to take reasonable steps to prepare for work. Any work-related activity must be reasonable and take into account the individual's circumstances and their health condition. Where it is considered appropriate for the individual, addressing the skills need is treated as a Work Related Activity. Existing ESA conditions of entitlement apply while participating in training.

### **Identifying Skills Needs**

12. Skills Screenings are an integral part of any Work Focused Interview.
13. Full details of how to conduct Skills Screenings are available in The Skills Guide.

14. Careers Wales provides careers advice via their web-site, telephone and face-to-face services which can assist in identifying potential skills needs.
15. Based on all of the information available to them, advisers should make a judgement whether the claimant has a basic skills or ESOL skills need which is the main barrier preventing them from gaining employment.
16. There is evidence that adults with poor basic skills are up to five times more likely to be unemployed and four times more likely to experience long-term unemployment.
17. Many claimants remain reluctant to address their basic skills needs, anecdotal information in Wales indicating between 80%-90% of these people decline the offer of voluntary support.
18. Within the basic skills strand of Skills for Work (Wales), these are the people who should be referred on a mandatory basis (including those who would normally volunteer) to the provision.
19. ESOL requirements are also a barrier preventing people gaining employment, however most people are prepared to volunteer for provision. Although this is acknowledged, all referrals are mandatory.

#### **Claimants with clear basic skills/ESOL needs**

20. Where a clear basic skills or ESOL need is identified as the main barrier to the claimant gaining employment they should be referred to the Skills for Work (Wales) training provider.
21. The driver for Skills Conditionality isn't whether someone wants to train or not, it is whether they need the training.
22. Claimants who have a skills need identified but other issues are the main barrier to them gaining employment (for example, where a drug or alcohol problem is the main barrier) the main barrier should be addressed prior to any referral to Skills for Work (Wales).

#### **Claimants with other skills needs**

23. Where a claimant has a skills need other than basic skills and ESOL this should be addressed by other locally available provision.
24. Occupational skills needs may be addressed by referring the claimant to Steps to Employment.
25. Details of what provision is locally available are included in the District Provision Tool.
26. Skills Conditionality does not apply to referrals to provision other than Skills for Work (Wales) and the referrals are not mandatory.

#### **Skills Conditionality Sanctions**

##### **JSA Sanctions**

27. If a claimant fails to attend or participate (without a good reason) in the skills training they may lose their Jobseeker's Allowance and National Insurance credits.
28. Their Jobseeker's Allowance and National Insurance credits will not be paid (or will be paid at a reduced rate, depending on their circumstances) for:
  - four weeks, or

- 13 weeks if the claimant has been sanctioned because they failed to comply with any of the requirements listed below, within 52 weeks (but not within 2 weeks) of their last failure.

29. The failures referred to are:

- fail to attend an adviser interview
- fail to take part in a particular employment programme
- do not take the opportunity of a place on an employment programme or training scheme
- refuse or fail to apply for or accept a place on such a programme or scheme notified by an adviser
- fail to attend or give up a place or through their own misconduct lose a place on such a programme or scheme
- fail to comply with a Jobseeker's Direction.

### **ESA Sanctions**

30. ESA WRAG claimants who fail to attend, participate or complete the provision to which they have been referred will lose:

- 50% of the Work-Related Activity Component (WRAC) for the first 4 weeks of the sanction; and then
- 100% of the WRAC until they comply with the requirement placed upon them.

### **Provision included in Skills Conditionality – Wales**

31. Skills for Work (Wales) is the only provision which is used for Skills Conditionality referrals in Wales.

## **Section 2 - Skills for Work (Wales)**

### **Skills for Work (Wales) – Overview**

32. Skills for Work (Wales) is a DWP funded programme which enables advisers to mandate claimants to provision to address skills barriers where these are the main barrier to them finding work.

33. Skills for Work (Wales) addresses basic skills (literacy/numeracy) and ESOL skills needs. These skills are acknowledged as providing the essential building blocks to all forms of employment.

34. The training is part-time (less than 16 hours).

35. The key features of Skills for Work (Wales) are:

- Targeted at JSA and ESA WRAG claimants who are
  - not in the Work Programme; and
  - identified as having a skills need which is the main barrier to gaining employment.
- Basic skills provision is targeted on those who are below Entry Level 3.
- ESOL provision focuses on those with clear language barriers below Entry Level 2.
- Skills Conditionality applies to **all** referrals to Skills for Work (Wales).

- Part-time provision of a minimum of 7.5 hours to less than 16 hours a week, overall provision lasting a maximum of 8 weeks.
- Provision is 100% funded on outcomes, the expectation being a minimum of 95% of people to progress to a next-level qualification in Essential Skills (literacy/numeracy) or ESOL Entry Level 2.

36. Details of the literacy and numeracy levels are included in Annex 1.

37. Referrals are made using the LMS Skills for Work (Wales) opportunity via PRaP.

### **Suitable referrals**

38. Details of provision available to claimants in each District are available in the District Provision Tool (DPT) and LMS.

39. When identifying suitable provision Advisers should consider whether:

- The claimant is eligible to take part in provision;
- The claimant has a basic skills or ESOL skills need which is their main barrier to them gaining 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 conditions;
- There are any restrictions on a claimant's hours of work or patterns of work agreed by an adviser;
- The claimant has any pre-arranged
- The claimant has any pre-arranged holidays planned during the next ten weeks when the provision is scheduled to run (Advisers can request to see confirmation of the pre-arranged holiday). Where a holiday is planned the claimant should be referred to the provision after the holiday;
- 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;
- Public Transport is available (where required);
- (In the case of vulnerable claimants) whether there is a need to consult with any other professional, eg Work Psychologist, Probation Officer.

### **Referral to Skills for Work (Wales)**

40. Skills Conditionality applies to all referrals to Skills for Work (Wales).

Attendance, participation and completion of the provision is mandatory.

41. At the point of referral, advisers should:

- Contact the provider to confirm referral and to obtain the date and time of the Initial Provider Interview;
- Inform the claimant of the details of the provision;
- Explain that it is mandatory that they attend, take part and complete the provision and that failure to do so may result in their benefit being sanctioned;
- Explain that the provision will start with an Initial Provider Interview and if offered a place they must attend until notified by the provider that they have completed the provision. The provision will last up to a maximum of eight weeks.

- Explain what the local arrangements are if the claimant feels the training is not benefiting them or they have an issue with the quality of the training provision, or any learning support needs;
- Explain that if their circumstances change for any reason they must inform Jobcentre Plus immediately;
- Annotate the Action Plan to show the details of the claimants skills needs and requirements (This is important as the Action Plan will be shared with the provider via PRaP);
- Complete and issue the Skills Conditionality referral letter to the claimant. The start date will be the date of the Initial Provider Interview, the end date will be a maximum of eight weeks after the Initial Provider Interview, (as the SC03/SC04 letters are issued advisers **must not** issue any LMS referral letters to claimants):
  - SC03 ESA Skills Conditionality referral Letter,
  - SC04 JSA Skills Conditionality Referral Letter,
  - SC03 ESA Skills Conditionality referral Letter (Welsh language version),
  - SC04 JSA Skills Conditionality Referral Letter(Welsh language version)).
- Input the referral on LMS under the relevant Skills for Work (Wales) opportunity type;
- Refer the claimant using PRaP (following the process as described in the PRaP Referrals Guidance);
- Note in conversations that claimant has been referred under Skills Conditionality and the letter has been issued.

### **Special Customer Records**

42. Claimants who have Special Customer Records (previously Nationally Sensitive Records) must not have their details transferred via the PRaP system.
43. For these claimants the SL2 form as described in the Special Customer Records guidance.
44. The SL2 form should be:
  - Completed by the Adviser at the point of referral;
  - Issued to the provider via secure courier.
45. Providers will complete and return the SL2 to confirm the start and completion of the provision.

### **Confirming Attendance on Provision**

46. Providers confirm attendance on Skills for Work (Wales) via PRaP (as described in the PRaP Referrals Guidance).

### **Claimant starts provision**

47. When notification is received via PRaP that the claimant has started the provision:
  - LMS is updated under the Skills for Work (Wales) LMS opportunity.

### **Claimant completes provision**

48. Where notification is received via PRaP that the claimant has completed the provision:
- The Skills for Work (Wales) LMS opportunity will be updated to show that the training is complete.
49. The provider completes and returns a claimant Feedback Form detailing the outcome of the claimants time on provision within 10 working days of completion; advisers can use this information to inform further progression and activity.

### **Claimant fails to start provision**

50. Where Jobcentre Plus is notified that the claimant fails to start the provision:
- LMS will be updated under the relevant Skills for Work (Wales) opportunity type;
  - Issue SC-FTP-01 (SC-FTP-01 Welsh Language Version) letter to claimant to give them the opportunity to provide a good reason for failing to participate.
  - Give the claimant 5 working days to respond;
  - Discuss any feedback received from provider with claimant.
51. Where a good reason for the failure to start is identified, consider whether re-engagement is possible/suitable.
52. Advisers can decide whether a claimant has a good reason for not attending but this should only be used in **very occasional and exceptional circumstances**.
53. Where a good reason for the failure to start the provision is not established, the case must be referred to a Decision Maker, with results recorded on LMS via the dec'n button.
54. Where a claimant does not respond within 5 working days the case **must** be referred to a Decision Maker.

### **Claimant fails to complete provision**

55. Providers can raise a doubt as to whether a claimant has failed to comply with a Skills Conditionality referral by completing the usual attendance notification paperwork and in some cases returning the Skills 11 form to Jobcentre Plus.
56. Where Jobcentre Plus is notified or where the Adviser is led to believe that the claimant has failed to complete the provision through misconduct or failure to attend:
- Issue SC-FTP-01 (SC-FTP-01 Welsh Language Version) letter to claimant to give them the opportunity to provide a good reason for failing to complete.
  - Give the claimant 5 working days to respond;
  - Discuss any feedback received from provider with claimant.
57. Advisers can decide whether a claimant has a good reason for not attending but this should only be used in **very occasional and exceptional circumstances**.
58. Where a good reason for the failure to start is established, consider whether re-engagement is possible/suitable.

59. Where a good reason for the failure to start the provision is not established, the case must be referred to a Decision Maker and results recorded on LMS via the dec'n button.

### **Re-engagement with Provision**

60. Where a claimant has failed to attend or complete the provision Advisers should consider whether the claimant should re-engage with the provision.

61. To re-engage a claimant:

- make relevant arrangements with the provider
- issue the Skills Conditionality referral letter (SC03 ESA Skills Conditionality Letter, SC04 JSA Skills Conditionality Letter, SC03 ESA Skills Conditionality referral Letter (Welsh language version), SC04 JSA Skills Conditionality Referral Letter (Welsh language version)) including new dates where claimant re-engages.

62. Where the original referral is no longer open on PRaP a new referral should be made.

63. Where re-engagement with the provision is not a viable option, consider other suitable provision:

- Where this provision is outside the scope for Skills Conditionality the claimant can not be mandated.
- Where no other suitable provision is available locally make a note in LMS conversations.
- Review this position at later Work Focussed Interviews and refer as appropriate.

### **Referral to Decision Maker**

64. Where a good reason can not be established for the failure to comply with the mandation to provision the case **must** be referred to a Decision Maker.

### **JSA Claimants**

65. For clerical referral to Decision Makers:

- Complete SC DMA 5 referral stencil;
- Follow procedure detailed in the JSA DMA Referral Guide.

### **ESA Claimants**

66. For clerical referral to Decision Makers complete SC DMA 5 referral stencil and send to DMA including:

- Skills 11 Form completed by provider (where appropriate);
- Any relevant paperwork received from the provider;
- LMS Reference ID;
- Referring officer contact details. This will help decision makers clear any queries quickly by telephone.
- Details of any fixed sanction periods in the previous 12 months.

67. This list is not exclusive and information should be included as necessary to reflect particular aspects of individual cases.

### **Skills Conditionality AR Codes**

68. Two Adjudication Review (AR) codes are used for Skills Conditionality:

- JSA/811 & JSA/811/O – FTP Skills Conditionality (JSA Claimants)
- ESA/JSA/340 - SC Failed to Undertake WRA (ESA WRAG Claimants)

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

69. 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 and any other relevant available paperwork) 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**

70. Where the claimant makes a Rapid Reclaim within the period of a possible sanction a referral to DMA **must** be made.

71. Advisers should consider re-engagement.

### **Skills for Work (Wales) LMS Opportunity Type**

72. The following LMS opportunity type should be used for all referrals to Skills for Work (Wales):

- **Skills for Work (Wales)**

### **Change of Provision requirements after start**

73. The attendance and participation requirement may be removed where a claimant is mandated to attend provision and the provider decides partway through the course that:

- It is not suitable for the claimant; or
- It is not the most suitable course of action; or
- They need something different first (e.g. non-skills support such as to address dependency).

74. Local arrangements should be in place for providers to inform Jobcentre Plus of this decision.

75. Upon receipt of this information:

- update the referral on LMS to show the changes (no DMA action is required in these cases).

### **Travel, Childcare and Replacement Care Costs**

76. Travel, childcare and replacement care costs must be paid (where required) for JSA and ESA WRAG claimants mandated to provision under Skills Conditionality.

#### **Childcare Costs**

77. Mandated claimants attending provision must be offered help with their childcare costs where required.

78. Payment for these costs will be reimbursed from the Flexible Support Fund.

79. Where the claimant requires help with childcare costs, payments should be made following the guidance in the Flexible Support Fund - Childcare Costs guidance.
80. The ACME – Account Codes Made Easy tool must be used to identify the correct Skills Conditionality account codes.
81. Any payments must be recorded on LMS on the ADF hotspot.

### **Replacement Care Costs**

82. Mandated claimants attending provision must be offered help with their travel costs where required.
83. Payment for these costs will be reimbursed from the Flexible Support Fund.
84. Where the claimant requires help with replacement care costs, payments should be made following the guidance in the Flexible Support Fund - Replacement Care guidance.
85. The ACME – Account Codes Made Easy tool must be used to identify the correct Skills Conditionality account codes.
86. Any payments must be recorded on LMS on the ADF hotspot.

### **Help with travel costs**

87. Mandated claimants attending provision must be offered help with their travel costs where required.
88. Payment for these costs will be reimbursed from the Flexible Support Fund.
89. 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.
90. The ACME – Account Codes Made Easy tool must be used to identify the correct Skills Conditionality account codes.
91. Any payments must be recorded on LMS on the ADF hotspot.

## **Annex 1: Literacy and Numeracy Levels**

<b>Literacy</b>	<b>Numeracy</b>
<b><i>At Level 1 someone can...</i></b>	
<ul style="list-style-type: none"> <li>• Take part in an interview for a job or course</li> <li>• Follow a simple procedure in a manual (e.g. First Aid)</li> <li>• Fill in an application form for a driving licence or passport</li> </ul>	<ul style="list-style-type: none"> <li>• Read bus and train timetables correctly</li> <li>• Follow directions to mix or dilute substances in proportion</li> <li>• Estimate distances using scales printed on a map</li> </ul>
<b><i>Between Entry 1 and 3 someone can...</i></b>	
<b>Entry 3</b>	
<ul style="list-style-type: none"> <li>• Obtain information or advice from a telephone help line</li> <li>• Read job adverts in a local paper or jobcentre</li> <li>• Write a short letter to a family member or a friend</li> </ul>	<ul style="list-style-type: none"> <li>• Understand price labels on pre-packed (pre-weighted) food</li> <li>• Check the receipt and money when paying for goods</li> <li>• Use a map to find a location, e.g. for an interview</li> </ul>

Entry 2	
<ul style="list-style-type: none"> <li>• Respond to a question and know when to ask for help</li> <li>• Follow simple instructions on a vending machine</li> <li>• Fill in a simple form</li> </ul>	<ul style="list-style-type: none"> <li>• Understand measurements and sizes on labels</li> <li>• Use simple measuring equipment, e.g. weighing scales</li> <li>• Understand expiry dates and renewal dates, e.g. food labels, road tax</li> </ul>
Entry 1	
<ul style="list-style-type: none"> <li>• Follow a one step verbal communication</li> <li>• Understand common signs in their local area and at work, e.g. toilets, no smoking</li> <li>• Write own name and address on an official form</li> </ul>	<ul style="list-style-type: none"> <li>• Select the correct numbered button in a lift</li> <li>• Count the correct number of drinks for visitors</li> <li>• Key in a telephone number</li> </ul>

## Annex 2: Frequently Asked Questions

**92. If a skills barrier is identified by the adviser, do they have discretion to determine whether the needs of the individual would be better served through Steps to Employment or community based ESOL provision rather than Skills for Work (Wales)?**

- Based on the expectations of ministers, all claimants with clear basic skills or ESOL barriers must be mandated to provision, Skills for Work (Wales) being the only skills provision to which we can make mandatory referrals in Wales.

**93. The Fast Track Screening Tool contained within guidance simply identifies if an individual is likely to have a basic skills need and is not sophisticated enough to identify actual basic skills levels. Am I supposed to base my referral purely on the scores attached to the tool?**

- The limitations of the screening tool are fully acknowledged, actual skill levels are only obtained through a full assessment process. Bearing this in mind advisers should use the outcome of the screening tool alongside Annex 1 and information on qualifications, work history, work prospects to determine if there is a potential skills barrier. If the judgement is yes, a referral to Skills for Work (Wales) should be made, the provider then undertaking a full assessment to determine actual levels.

**94. If a claimant has a good work history and has good prospects of employment despite their poor literacy/numeracy skills, should I refer them to Skills for Work (Wales)?**

- The Judgement of the adviser is key to this decision. If the view of the adviser is the lack of these skills does not present a barrier to finding work

there is no requirement to refer them to Skills for Work (Wales), albeit good practice would indicate this should be reviewed if their spell of unemployment continues.

**95. If a claimant goes into work while on Skills for Work (Wales), will they be able to complete the learning and achieve the appropriate qualification?**

- Yes, because the provision is funded on the basis of qualification outcomes, providers are encouraged to provide flexible forms of learning to cater for those entering work during provision. Where this applies continued (flexible) attendance beyond the normal eight weeks is permissible.

**96. Is Skills for Work (Wales) able to offer occupational skills training to overcome a skills barrier?**

- Because of limited funding Skills for Work (Wales) is confined to addressing basic skills and ESOL. Occupational skills will be addressed through programmes such as Steps to Employment which is only available on a voluntary basis.

**97. People often refer to basic skills and essential skills, are they the same thing or different?**

- 'Essential Skills' is the generic title in Wales which encompasses the basic skills of literacy and numeracy. 'Essential Skills' now provides the qualification suite that replaced Key Skills and Basic Skills qualifications from 2010.

**98. Skills for Work (Wales) will run for a 12 month period from October 2012; what are the plans beyond October 2013?**

- Skills conditionality is a long-term policy. Skills for Work (Wales) will be evaluated with the aim of providing an evidence base to show skills mandation has positive results in terms of take up, completion and progression from learning. We hope to present evidence to the Welsh Government that persuades them to accept mandatory referrals to their skills provision. Future developments will be linked to evaluation of the next 12 months and to the introduction of Universal Credit in October 2013.