

Spotlight on: Sanction Assurance Framework

Introduction

We need to deliver work that is based on the principles of fairness, compassion, respect and dignity. This will ensure we are making informed and reasonable conclusions. This is particularly relevant when considering sanction referrals and decisions.

We need to acknowledge this is a considerable challenge, particularly when the signs of a claimant's needs are invisible or not always obvious.

Overview

If people can look for work, we want them to be available for work and engage with the support that is offered.

This support must be carefully tailored to their personal circumstances, so they can move into work or increase their earnings.

Sanctions must only be used when:

- the claimant hasn't given a good reason for not undertaking their agreed work-related activity
- consideration of the claimant's personal circumstances has been taken into account

Whilst work coaches are primarily supportive, they must also ensure that the claimant is clear about the potential consequences if they fail to comply with mandatory requirements.

Team leader checks

The work coach must have a team leader case conference before making any Labour Market decision maker referrals.

The case conference must take place with a team leader and should only be delegated to a deputy if the team leader is unavailable.

The team leader must be satisfied that the agreed requirement was appropriate at the time of the failure and that all safeguards (including the additional local and national public health guidelines) have been taken into account.

The outcome of the team leader case conference must be recorded in 'Claimant history'.

Claimant Commitment

The Claimant Commitment is crucial. It must be a tailored, personalised commitment that reflects the local jobs market and the claimant's personal circumstances - and supporting a return to work.

See First commitments by phone appointment for more information.

The Claimant Commitment must be reviewed regularly and revised where appropriate - for example, in the light of emerging claimant needs and fluctuating individual and local circumstances including coronavirus related restrictions.

Switching-off requirements

In some circumstances, a claimant's work-related requirements may need to be 'switched-off' for a period of time. This is called an easement.

Easements can be a legal requirement or it can be discretionary where it is unreasonable to expect the claimant to complete their requirements for a period of time.

See Switching-off work availability and work-related activities.

Care leavers

Care leavers must have their individual circumstances taken into account with conditionality requirements tailored to their specific needs.

The care leaver single point of contact (SPOC) must be contacted for any additional information when considering a sanction referral for a care leaver.

The care leaver SPOC will contact the local authority personal advisor (or equivalent representative in Scotland) for additional information.

Any additional information received will then be included in the referral to the decision maker.

Meeting commitments

As local and national public health guidelines can change, previously agreed and tailored work-related activities may no longer be relevant and appropriate.

When reviewing the Claimant Commitment, the work coach must ensure that agreed activities are still reasonable and achievable.

Before considering a site leader case conference, the work coach must have a discussion with the claimant to identify and understand any barriers or circumstances that may have had an impact on their work-related activities.

It is important that a case conference takes place with the team leader prior to any referral to the decision maker.

Claimant's work-related activity

Sanction referrals must only be considered if a claimant cannot provide any evidence of work search or fails to undertake work-related activities.

When considering a possible sanction referral, the work coach must gather evidence and review any changes in the claimant's circumstances taking into account:

- complex needs
- vulnerabilities
- health conditions
- pandemic (for example, COVID-19)

See Complex needs.

If the work coach feels that the claimant has not taken reasonable steps to search for work, they must gather information about:

- what the claimant has done
- why the claimant has not done more

This information must then be taken into the team leader case conference.

Failure to attend

The work coach must follow the fail to attend process in the coronavirus guidance.

The work coach must undertake a pre-referral case conference with a team leader when:

- good reason has not been accepted from the list of acceptable good reasons
- they have been unable to contact the claimant
- the claimant has already had three consecutive good reason decisions

If it is agreed that a fail to attend sanction referral is appropriate, the following information must be included:

- any information provided by the claimant
- details of any complex needs
- details of any health issues
- pandemic (for example, Covid-19)

The referral must also include details of the team leader case conference.

The work coach must not make local decisions to impose a sanction. In all cases, subsequent appointments must only be booked by the work coach if contact is established with the claimant.

Making a Labour Market referral

The work coach can accept good reason for fail to attend decisions locally - all other Labour Market considerations must be referred to a Labour Market decision maker for a decision.

Before a sanction referral is made, the work coach must ensure all relevant information is included.

When making a referral, the work coach must include the claimant's:

- reasons for lack of work-related activity
- complex needs if appropriate
- any underlying health conditions if appropriate

The referral must also include details of the team leader case conference.

Sanctions can only be imposed by a Labour Market decision maker. Under no circumstances should the work coach impose a sanction.

Action for the decision maker

The decision maker must check to make sure all relevant information has been included in the referral - especially evidence of the pre-referral team leader case conference. This must be noted in 'Claimant history'.

If it cannot be confirmed that a pre-referral team leader case conference has been undertaken, the decision maker must cancel and return the referral.

Decision maker team leader check

If the decision maker considers that a sanction is appropriate, a case conference must be held between the decision maker and their team leader. This is to determine if (in the particular circumstances of that case) the correct course of action is to apply a sanction.

It may be necessary to also contact the work coach - for example, when new information becomes available.

The outcome of the case conference must be recorded in 'Claimant history'.

Action after the open-ended sanction is applied

The work coach must routinely check their caseload to identify claimants with an open-ended sanction - and make at least monthly attempts to re-engage with them by phone or journal.

If contact is made, ensure the claimant understands why they have been sanctioned as well as how to bring it to an end.

Advise the claimant on the availability of a Recoverable Hardship Payment.

Record all contacts with the claimant and any outcomes in 'Claimant history'.

Closing open-ended sanctions

The work coaches and team leaders must make sure open-ended sanctions are closed in the appropriate circumstances, for example:

- where the claimant meets the compliance condition
- where the claimant is no longer required to comply - for example, a change in conditionality regime, a change of circumstances that means the requirement is no longer appropriate (for example, sickness) or any switching-off of requirements
- at claim closure or when entitlement to Universal Credit is reduced to zero by earnings, income or capital