



Advice Link Network Toolkit

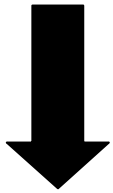
**JSA SANCTION TOOLKIT
Basic self help materials
for the public and support workers – August 2013**

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JSA sanction flow chart

Client is sanctioned / benefit stops



Does client have good cause?

No



Is client in a vulnerable group?

No



Complete JSA 10 for hardship payment after 2 weeks

Yes

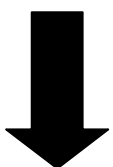


Send letter to Preston DBC explaining why failed to do what expected



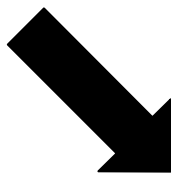
Does Decision maker accept good cause?

Yes



Sanction lifted

No



Appeal!

Yes



Is client in a vulnerable group? i.e.



Complete JSA 10 for immediate hardship payment

JSA sanction - does hardship claims apply?

Is client in a vulnerable group? i.e.

- Does client**
- **have children**
 - **have a disability**
 - **caring responsibilities**
 - **Mental health issues**
 - **pregnant**
 - **chronic medical conditions**
 - **under 18 and experiencing hardship**
 - **under 21 and a care leaver**
 - **would the individual suffer hardship (family cannot keep them / no savings etc)**

Yes to any



**Complete JSA
10.**

No



**Wait till
sanction
expires.**

Advice Link factsheet - JSA Sanctions in detail

If you don't fulfil the basic labour market conditions, JSA is disallowed (or paid at a single person's rate if one member of a joint-claim couple fails to meet the conditions). Even if you satisfy the basic conditions, in some circumstances your JSA may be '**sanctioned**'. In this case you remain entitled to JSA but payments stop for a limited period.

In most cases, Jobcentre Plus cannot impose a sanction if a client had a "good reason" for her/his behavior. A claimant has the right to appeal against a decision to sanction her/him.

Fixed period sanctions for jobseeker's allowance from October 2012

Under the new regime -


- higher level sanctions (for example for leaving a job voluntarily) will lead to claimants losing all of their JSA for a fixed period of 13 weeks for a first failure, 26 weeks for a second failure and 156 weeks for a third and subsequent failure (within a 52 week period of their last failure);
- intermediate level sanctions of four weeks for a first failure, rising to 13 weeks for a second or subsequent failures (within a 52 week period of their last failure) may be applied following a period of disallowance for not actively seeking employment or not being available for work; and
- lower level sanctions (for example for failing to attend an adviser interview) will lead to claimants losing all of their JSA for a fixed period of four weeks for the first failure, followed by 13 weeks for subsequent failures (within a 52 week period of their last failure).

If the claimant's JSA is stopped because they have failed to meet their responsibilities, they will be **entitled to a full explanation of why their benefit was stopped but must still attend the Jobcentre** for their fortnightly jobsearch review and attend any appointments to avoid losing benefit for a longer period.

In most cases, Jobcentre Plus cannot impose a sanction if a client had a "good reason" for her/his behavior. A claimant has the right to appeal against a decision to sanction her/him. See good cause below.

Hardship - whilst a claimant will not automatically be entitled to financial help, if they can show that they are suffering hardship, the adviser or hardship officer can explain how they can apply for a hardship payment. **See below.**

For further guidance see:

- The adviser and intermediary update, [Changes to Jobseeker's Allowance sanctions from 22 October 2012](#), and guidance, [DMG Memo 37/12](#), are available from the DWP website.
- **16/10/12**– [Memo DMG 37/12: JSA Sanctions from 22.10.12](#) (274 KB) 
- <http://www.dwp.gov.uk/publications/specialist-guides/decision-makers-guide/> chapter 35 Hardship

Fixed period sanctions for jobseeker's allowance from October 2012

Failure	Lower level sanction Fixed period sanction for: <ul style="list-style-type: none"> • refusal/failure to attend an adviser interview • refusal/failure to participate in an employment programme or training scheme • refusal/failure to comply with a Jobseeker direction • refusal/failure to attend, or loses through misconduct a place on an employment programme or training scheme 	Intermediate level sanction Only applied following a period of disallowance for: <ul style="list-style-type: none"> • not being available for work • not actively seeking work 	Higher level sanction Fixed period sanction for: <ul style="list-style-type: none"> • leaving a job voluntarily without good reason • losing a job through misconduct • refusal/failure to apply for, or accept if offered a suitable job without good reason • refusal/failure to participate in mandatory work activity without good reason
First	4 weeks	4 weeks	13 weeks
Second	13 weeks	13 weeks	26 weeks
Third	13 weeks	13 weeks	156 weeks When JSA is reclaimed, if claimant has been in work for 6 months or more and not claiming any income replacement benefits, then balance remaining on their 156 week sanction will be lifted. The 6 months does not have to be consecutive period.

What is 'good cause'? –

In deciding if you have 'good cause' for failing to carry out a jobseeker's direction, or not applying for or accepting a job notified to you by an employment officer, or not taking up a job opportunity with a previous employer (see above), the decision maker must take into account all your relevant personal circumstances.

When deciding whether you have good cause, the decision maker must take into account certain factors:

- any condition or personal circumstances that suggest a particular job or jobseeker's direction would be likely to cause significant harm to your health or subject you to excessive physical or mental stress;
- any responsibility for caring for a 'close relative' or someone in your household that might make it unreasonable for you to do a particular job or carry out a jobseeker's direction. If you care for a child, the availability and suitability of childcare should be considered;
- travel time to and from work, or to a place mentioned in the jobseeker's direction; but it won't count as good cause if the travel time is normally less than 1½ hours each way unless the time is unreasonable due to your health or caring responsibilities;
- any agreed restrictions on your availability for work and differences between the work you are available for given those restrictions and the job requirements;
- any sincerely held religious or conscientious objections to taking the job or carrying out the jobseeker's direction;
- childcare expenses, travel expenses and other necessary, exclusively work-related expenses if these are an unreasonably high proportion of the income from the job, or your income while carrying out a jobseeker's direction. However, nothing else to do with your (or your family's) income and outgoings can be taken into account, unless you have been allowed to restrict the level of pay you are prepared to accept because of your disability, or you are still in the 'permitted period' at the start of your claim), or if the job is paid only by commission or pays below the national minimum wage.

Hardship payments

If your benefit is sanctioned, suspended or disallowed, or there is a delay in making a decision on your claim, you may be entitled to reduced-rate hardship payments of income-based JSA. Payment is not automatic, and in most cases you must show that you or your family will suffer hardship unless benefit is paid. **Unless you fall into a particular vulnerable group, no benefit will be paid for the first two weeks.**

The applicable amount is calculated as normal but is then reduced by 40% of the single person's personal allowance. If the Client, the Client's partner or the Client's child are seriously ill or pregnant, the reduction is just 20%. If the Client's partner is entitled to Income Support (IS), they can claim it for their self and the Client. It is not subject to any reduction.

What is 'hardship'? – You must complete a 'hardship statement' setting out your grounds for applying for a hardship payment.

In deciding whether or not you will suffer hardship if no payment is made, the decision maker must take into account any resources likely to be available to you. They must also look at whether there is a substantial risk that you will have much-reduced amounts of, or lose altogether, essential items such as food, clothing, heating and accommodation. It is also relevant whether a disability premium, or disabled or severely disabled child elements of child tax credit, are payable. The decision maker may take other factors into account.

For the first two weeks:

Hardship payments are not payable for the first two weeks unless the Client or their partner is considered to be '*vulnerable*', i.e.:

- are responsible for a child or qualifying young person, *or*
- are pregnant, *or*
- is a carer looking after someone who gets Attendance Allowance (AA) or Disability Living Allowance (DLA) Middle or Highest Rate Care Component (or has claimed and is waiting for a decision or payment) and the Client is unable to continue to care for them unless they receive hardship payments. In this case, the Client need not show hardship would result, *or*
- qualify for a disability premium, *or*
- are suffering from a '*chronic medical condition which results in functional capacity being limited or restricted by physical impairment*' that has lasted, or is likely to last, for at least 26 weeks and during the first two weeks the disabled person's health would probably decline more than that of a healthy person, *or*
- are under the age of 18 years and eligible for JSA at that age *or*
- are under 21 years and have recently left local authority care

In each case, other than the exception for carers, the Client must satisfy the Decision Maker (DM) that the vulnerable person will suffer hardship unless payments are made.

After two weeks:

If the Client is not considered '*vulnerable*' they are eligible for hardship payments only after the first two weeks after the sanction has been applied, or suspension made etc. The Client must show that they or their partner will suffer hardship unless payment is made.

JSA sanctions – How to use the template letters

A sanction means Jobcentre Plus stops or reduces a claimant's JSA for a certain period because of misconduct, for example, failing to take part in the Work Programme. From 22 October 2012, there are new rules about sanctions. From this date, sanctions normally last for a fixed period of 4, 13, 26, or 156 weeks. Whether a sanction lasts for 4, 13, 26 or 156 weeks depends on the type of misconduct. It also depends on whether it is the first, second or a subsequent instance of misconduct. Jobcentre Plus must normally impose a sanction if a claimant meets the conditions for one.

In most cases, Jobcentre Plus cannot impose a sanction if a client had a “*good reason*” for her/his behavior. A claimant has the right to appeal against a decision to sanction her/him.

From 22 October 2012, there are three different types of sanctions. The type that applies depends on the claimant's behaviour. The types are:-

- lower level sanctions Jobcentre Plus impose these for failing to participate in interviews, failing to provide information, and for misconduct in relation to jobseekers' directions, work for your benefit schemes, employment schemes and training programmes
- intermediate level sanctions. Jobcentre Plus impose these if a claimant is not available for work or does not actively seek work
- higher level sanctions. Jobcentre Plus impose these for misconduct relating to work, job vacancies, and the Mandatory Work Activity scheme.

It is imperative to challenge a sanction that has not been applied by DWP correctly, as it will stay on client's record only serving for a higher or longer sanction to be introduced next time.

From 22 October 2012 in most cases, Jobcentre Plus cannot impose a sanction if a client had a good reason for her/his behaviour.

Jobcentre Plus has discretion when deciding whether or not a claimant has a good reason for her/his behaviour. However, they must exercise this reasonably and take into account the claimant's circumstances. If they do not, a claimant may be able to challenge a decision that s/he does not have a good reason. Government guidance on sanctions covers good reason and sets out some of the factors that Jobcentre Plus should take into account when deciding whether or not a claimant has a good reason. The guidance is available on the DWP's website at www.dwp.gov.uk.

The letter gives the popular reasons for circumstances the DWP sanction benefit, you need to tell the DWP in the space provided WHY client failed to do what was required or requested , include any evidence to support your “good cause “ reason with the letter

Preston Benefits Centre
Jobcentre Plus
Pittman Way
Preston
PR11 2BJ

Address
Postcode
Date

Dear Sir/Madam

Re:

Name of benefit	
Full name	
NI number	
Date of birth	

I understand my benefit has been sanctioned because

(Delete as appropriate)

- I did not attend an appointment
- I did not attend an appointment on time
- I failed to attend an interview at the Jobcentre
- I failed to carry out a direction issued to me
- I lost a place on a training scheme
- I failed to attend a training scheme that was arranged for me
- I left a job voluntarily
- I lost a job because of misconduct
- I failed to attend a compulsory scheme
- I failed to accept a job

The reason for not doing the above is due to

I hope the above reasons can be accepted as good cause and my benefit reinstated. If you require any further information please contact me at the above address.

Thank you and I look forward to hearing from you in due course
Yours faithfully

Signature

Date

Re:

Name of benefit	
Full name	
NI number	
Date of birth	

I understand my benefit has been sanctioned because
(Delete as appropriate)

- I did not attend an appointment
- I did not attend an appointment on time
- I failed to attend an interview at the Jobcentre
- I failed to carry out a direction issued to me
- I lost a place on a training scheme
- I failed to attend a training scheme that was arranged for me
- I left a job voluntarily
- I lost a job because of misconduct
- I failed to attend a compulsory scheme
- I failed to accept a job

My explanation for that is

I appeal because

I hope the above reasons can be accepted as good cause and my benefit reinstated. If you require any further information please contact me at the above address.

I wish to

- **Appeal against the decision to sanction my benefit**
- **Appeal against the period of sanction.**
- **Secure a hardship payment pending my appeal**

Thank you and I look forward to hearing from you in due course
Yours faithfully

Signature

Date