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The Rt Hon Frank Field MP
Chair of the Work and Pensions
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16th December 2015

In my letter of the 13 November 2015, I said I would write to you again in December, to further update you on a number of the commitments we made, following the Government's response to the Committee's report "Benefit sanctions policy beyond the Oakley Review".

Sanction Warning System

My officials are making good progress and are beginning the sanctions warning system trial in March 2016. Our original proposal that the trial will run in Scotland for 5 months and will involve approximately 5,000 JSA claimants has not changed. The trial is undergoing careful final design, with clear processes, training and guidance provided for all the staff involved.

The trial will be evaluated on completion to assess what impact it has on claimant behaviours and understanding. We will be carefully monitoring all relevant data to consider the extent to which the warning trial affects sanction decisions.

We will produce a report for the Committee on the results of the trial in autumn 2016.

The reintroduction of automated notifications

I can confirm that automated sanction notifications for JSA and ESA were successfully re-introduced from Monday 23 November 2015.

Hardship Payments

In your report you recommended that Decision Makers (DMs) should be able to instigate Hardship appointments for vulnerable claimants. On further consideration, we think this will be best achieved through the Work Coach

delivery model, building on the strengthened one-to-one relationship Work Coaches have with individual claimants and working closely with DMs.

Work Coaches already provide claimants with information about Hardship at the point of referral to a DM. From 11 January 2016, they will do more to identify those claimants who are likely to require, and be eligible for, Hardship immediately following the imposition of sanction.

At the point of deciding to impose a sanction, the DM will inform the Work Coach. The Work Coach will then attempt to contact the claimant previously identified as requiring and being eligible for Hardship, to arrange an appointment. This will help to ensure that sanctions do not disproportionately affect more disadvantaged customers.

You also asked when the Department will publish data on hardship payment applications, and how regularly this data would be published. Figures on the number of applications and awards for hardship payments were published on 18th November 2015¹.

We will consider the regularity of future publications of hardship statistics alongside our routine prioritisation of our statistical work programme.

Guidance on JSA job searching conditions for vulnerable claimants

I said the Department was in the process of developing supplementary vulnerability guidance for Work Coaches. The development of supplementary vulnerability guidance for Work Coaches is now complete I have attached a copy for the Committee's information. It includes how conditionality can be tailored for vulnerable claimants to take account of individual circumstances where they have complex needs or need additional support to help them use the department's services effectively.

In producing this supplementary guidance, we also worked closely with Crisis, to ensure it takes full account of the particular needs of homeless claimants.

ESA sanctioning

You asked if I would I write to the Committee before Christmas recess setting out what more can be done to enhance effective support to claimants on ESA.

Working within existing contracts with Work Programme providers, the Department continues to take further steps, where possible, to continually drive

¹ <https://www.gov.uk/government/statistics/jsa-and-esa-hardship-applications-and-awards-apr-2012-to-jun-2015>

the performance and support for ESA groups within the Work Programme, along with the number of safeguards already in place to support ESA claimants.

We have made significant improvements to communications between DMs and Work Programme providers. As well as reducing the risk of inappropriate sanctions, it means that DMs are now committed to making providers aware of those claimants deemed to be vulnerable, so that they receive the necessary safeguarding activities before any sanction referrals are made.

As part of our continuous improvement practices, my officials are also undertaking a number of visits to Work Programme providers to ensure compliance with our policies and processes, and to promote good practice. Where any need for improvement is identified, recommendations are being incorporated into individual provider action plans that are formally monitored by Performance Managers.

Work Programme providers and ability to accept good reason

We have accepted in principle the recommendation from the Oakley review that current Work Programme should be able to accept good reason in certain circumstances.

The Department is currently developing a new Work and Health Programme to support people with health conditions and disabilities and those who are very long term unemployed. We are currently working through a number of detailed design issues, including the conditionality of the offer and we will make further information available in due course.

Monitoring the destinations of sanctioned claimants

As I have stated previously, officials are currently quality assuring the data for Universal Credit official statistics as has been previously outlined in the Department's Release Strategy ². This is why we are not committing to use RTI data to track outcomes for sanctioned benefit claimants.

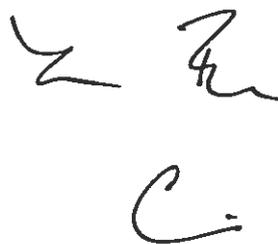
Official statistics on Universal Credit have been published on a monthly basis since December 2013. The range of statistics published has increased as quality assurance has been carried out. This process will continue on a wider range of breakdowns and Departmental statisticians anticipate being able to start releasing these, in accordance with the relevant protocols in the Code of Practice for Official Statistics, during 2016.

As part of this quality assurance process we will carefully consider the option for including destination data. It is, however, worth noting that claimant destinations are likely to be influenced by a range of factors, not just whether an individual has been sanctioned.

The Department will also review and update the statistics release strategy in 2016.

I hope you find this update on these points helpful and assures the Committee of our on-going commitment to ensure that the sanctions system continues to function effectively and fairly and that, where we identify or we are made aware of an issue, we act to put it right.

I will keep you informed of progress on these and other commitments and look forward to continuing to work with the Committee in the future.

A handwritten signature in black ink, consisting of a stylized 'I' followed by a flourish and a horizontal line, with a small 'C' and a dot below it.

The Rt Hon Iain Duncan Smith MP

SECRETARY OF STATE FOR WORK AND PENSIONS

Vulnerable Claimants

1. It is a requirement that every Claimant Commitment (CC) is tailored to reflect the individual personal circumstances of each claimant. This is to ensure that everything contained within the CC is reasonable and relevant to each individual claimant and must be varied as claimant circumstances change.
2. A description of vulnerability is “an individual who is identified as having complex needs and/or requires additional support to enable them to access DWP benefits and use our services”. Complex needs are difficult personal circumstances and/or life events. They may be permanent or temporary in nature and the degree to which they affect the claimant will vary from one person to another.
3. A claimant’s circumstances may not always be immediately obvious and they may try to minimise or not reveal the fact that they have complex needs. Work Coaches will need to use their diagnostic interviewing skills to identify where claimants need additional or specialised help and support.
4. It is essential that the Work Coach is completely satisfied that the claimant fully understands the conditionality requirements being placed upon them and of the consequences of failing to meet them. **A sanction doubt should never be raised for a claimant who, due to their complex needs, cannot understand the requirements.** If it would prove helpful, claimants should be encouraged to bring third party support with them to their interviews with their Work Coach.
5. It should be noted that even if a claimant has not undertaken any of the work search activities detailed on their CC, they can still be considered to have met the requirement as long as they have done something, and in that week, that was all that was reasonable to give that individual claimant the best prospects of employment.
6. There are conditionality easements available for claimants with certain complex needs such as homeless claimants and victims of domestic violence. Additionally, easements under the domestic emergency provision may also be appropriate depending on the individual circumstances and needs of the claimant and if the claimant is temporarily vulnerable due to a medical condition, an extended period of sickness may prove to be beneficial.
7. **Examples:**
 - Peter contacts his Work Coach to advise that he has just broken his leg and has a ten week Fit Note. His Work Coach decides that it would not be reasonable for him to undertake any work search activity at all for the first four weeks and the conditionality requirements are removed. However, after this time, it is decided that it would be reasonable for Peter to look for work by using the internet and local newspapers and his work search requirements are tailored to this for the remainder of his sickness period. Throughout the period of sickness, the Work Coach keeps in touch regularly by telephone. His conditionality requirements are reviewed once again when Peter attends the Jobcentre for his usual work search review interview once he is fully fit for work.
 - Paul is a drug addict undergoing a course of rehabilitation for 20 hours per week. At the end of his rehab in three months time, it is hoped he will be clean and able to look for work. Paul and his Work Coach agree that as his drug habit is Paul’s biggest barrier to employment, his only work search requirement for the next three months is to complete his course of

rehabilitation, after which his Work Coach will seek evidence of whether he is clean and review his job search activities accordingly.

- Mary claims JSA after losing her job as a cleaner when her uncle's restaurant closed. Although she has mild learning difficulties she is able to undertake basic, low-skilled work with a support worker from a local charity providing support when required. However, the support worker was not available when Mary made her JSA claim. At the work search review, the first since she made her JSA claim, Mary has not brought any evidence of what she has done to find work in the past two weeks. From their conversation with Mary, the Work Coach forms the opinion that she clearly has not understood the requirement to look for work. The Work Coach liaises with Mary's support worker and decides that the only reasonable activity for Mary to undertake is to return in a week's time with her support worker.
- George has bi-polar condition but managed to maintain full time employment as a pub chef for four years before becoming acutely ill and had to give his job up. George later made a claim to JSA after being on health related benefits for some time. As George was still in recovery and under the critical care team within NHS mental health trust, his Work Coach decided to reduce his availability for work to 20 hours per week for a defined period of time. As he was still in recovery and spending 10 hours per week in therapy and meeting with his community psychiatric nurse, his Work Coach also adjusted his job search activities to meet his recovery requirements whilst ensuring that he also met the JSA conditionality requirements as well. The activities he undertook to look for work were eight hours per week on Work Choice; one hour per week meeting his DEA and 11 hours solo job search activity which included meeting with a recruitment agency, internet job search, tailoring his CV and covering letter for specific vacancies and speculative applications including ex employers. All these steps were monitored and measured by his Work Coach/DEA not only to ensure he met his tailored conditionality but also to ensure that George maintained his recovery and the steps were not having an adverse effect on his health. As George's health improved, it was agreed, in consultation with his health care professional, to increase the number of hours for which he was available for work and to increase his weekly job search activities.
- Alice's tenancy has recently ended and because she is unemployed, can no longer afford the rent payable on a new tenancy. She is currently sleeping in the back of her car. Alice satisfies the criteria for the award of the conditionality easement. Alice and her Work Coach agree that as her homelessness is now her main barrier to employment, Alice should concentrate her efforts on finding suitable alternative accommodation rather than looking for work and her CC is revised accordingly to:
 - make a homelessness application to the Local Authority
 - register with a local homeless charity
 - register with a local private rented sector access scheme
 - place an advert 'looking for a property' on property search websites such as www.spareroom.co.uk and www.gumtree.com
 - look on newsagents' shop windows and supermarket notice boards for property adverts locally

The activities are reviewed each fortnight when Alice attends for her regular work search review. After five weeks, Alice finds temporary accommodation in a hostel. Although Alice needs to find permanent accommodation, she now feels that she can start to look for work. As her circumstances have now changed, her CC is revised to include a mixture of accommodation and work search activities.

- Fiona is a lone parent with a ten year old child. She is therefore able to restrict her availability for work to school hours of 9:00 to 15:00, Monday to Friday. As Fiona has recently left long term employment, she does not have an up-to-date CV. A local training provider runs a CV writing event which both Fiona and her Work Coach agree would be of benefit to her but this only runs from 12:00 to 16:00. Whilst she is unable to attend at the present time, the school holidays are approaching and Fiona's restricted availability will no longer apply. Her Work Coach therefore books Fiona onto a later event during the school holidays giving her sufficient time to make child care arrangements.
8. Further information on vulnerable claimants can be found at this link.