

UNIVERSAL CREDIT – END OF MANDATORY WORK ACTIVITY (MWA) & COMMUNITY WORK PLACEMENT (CWP) SCHEMES

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INTRODUCTION

- 1 This memo is to inform UC DMs that the Mandatory Work Activity (MWA) and the Community Work Placement (CwP) schemes are coming to an end.
- 2 This memo is also to provide guidance on how the closure of those programmes affects DMA action and sanctions for failures to participate in those schemes for UC claimants.

Note: For guidance on the MWA scheme see [ADM Chapter K3](#) (Higher-level sanctions) and for the CwP scheme see [ADM Chapter K5](#) (Low-level sanctions).

MWA SCHEME ENDING

- 3 The MWA scheme will end on 31.3.16. Therefore the cut-off date for claimants starting MWA provision is 31.3.16 which means there will be no claimants taking part in the scheme after 27.4.16.

Note: The last date a claimant can participate in the MWA scheme is 27.4.16.

- 4 As MWA providers have 20 working days in which to start the claimant on a placement, the final date for work coaches to refer a claimant to the MWA scheme, including for any 'balance of time', is 1.3.16.

Example

Leo is referred to the MWA scheme and is required to participate in a 4 week placement on 22.2.16.

Leo fails to participate in the scheme on 7.3.16.

The DM determines Leo has a good reason for the failure to participate in the scheme on 7.3.16 due to illness.

There is no sanctionable failure and although the claimant has only completed 2 weeks of the 4 weeks placement Leo cannot be referred to the scheme to complete the balance of time as it is passed the deadline of 1.3.16 for referrals to the MWA scheme.

CWP SCHEME ENDING

- 5 Unless paragraphs 7 and 8 apply, the CwP programme will end on 27.10.16. The final date a work coach can refer a claimant to the CwP scheme is 31.3.16 and the last date claimants can participate in the CwP scheme will be 26.10.16.
- 6 Claimants referred to the CwP scheme prior to 1.3.16 will, generally, participate for the 30 weeks allotted time on the scheme. The exception is those claimants who either do not attend their initial engagement meeting or do not start the placement offered. Those claimants will be required to attend a standard work search interview to discuss the next steps to move the claimant closer to or into work with their advisor.

Early termination

- 7 Referrals to the CwP scheme in certain areas will end early, i.e. at the close of business on Monday 29.2.16. Accordingly, the corresponding referral opportunities will also end at 6pm on that date and the last date a claimant can participate in the scheme for a provider affected by early termination will be 25.9.16.
- 8 The areas affected by early termination are:
1. CPA1 (Seetec) – covering East Anglia, Essex, and Bedfordshire & Hertfordshire districts
 2. CPA 8 (Learn Direct) - covering all districts in Scotland

3. CPA 10 (Seetec) - covering Kent district along with the Surrey & Sussex sides of Berkshire, Surrey & Sussex district **and**
4. CPA 14 (Seetec) - covering Black Country and Birmingham & Solihull districts.

Note 1: Referrals to the CwP scheme in these areas will not be made after 29.2.16.

Note 2: All CwP scheme providers, including those with early termination, are contractually obliged to deliver the provision, in full, for those claimants referred on or before the final referral date.

SANCTIONS

- 9 DM action should be undertaken as normal following current processes for considering a sanction for any failures to participate in either the MWA or CwP scheme received with a date of failure to participate on or before

1. 27.4.16 for MWA **or**
2. 26.10.16 for CwP **or**
3. 25.9.16 for CwP providers with early termination (see paragraphs 7 and 8).

Note : Full guidance for failures to participate in the MWA scheme is in [ADM Chapter K3](#) and failures to participate in employment schemes, such as the CwP scheme, is covered in [ADM Chapter K5](#). Guidance on the general principles for imposing sanctions is covered in [ADM Chapter K1](#).

- 10 The period of any sanctions applied will not be affected by the end of provision date. The appropriate sanction period is applied to the next available Assessment Period and/or added to the TORP in the usual way. It is the date of failure which is the important date for the DM to consider and that **must** occur on or before the last date for participation in the relevant scheme (see paragraph 9).

Note: For further guidance on applying sanctions see ADM Chapter K1 (General Principles – Sanctions).

Example 1

Mark is referred to the MWA scheme and is required to participate in a 4 week placement from 29.3.16.

Mark fails to attend to start the placement on 29.3.16.

On 7.4.16 the DM decides that Mark cannot show a good reason for the failure to participate on 29.3.16 and a 91day sanction is appropriate as this is Mark's first

higher-level sanctionable failure.

The 91 day sanction is applied to the next available Assessment Period.

Example 2

Brie was referred to the CwP scheme on 30.3.16.

The provider is not one with an early termination date.

On 26.10.16 Brie fails to attend an appointment with her CwP provider by way of participation in the scheme.

The compliance condition is to contact the provider and agree and attend the first available appointment.

Brie makes no contact with either the provider or the UC outlet.

On 15.11.16 the DM considers Brie cannot show a good reason for the failure to participate in the CwP scheme on 26.10.16.

As the last date Brie can participate in the CwP scheme is 26.10.16, the open ended sanction begins and ends on 26.10.16 as the date of failure and the date of compliance would be 26.10.16 (see further guidance on compliance conditions at paragraphs 12 and 13).

A 7 day fixed low-level sanction is appropriate as there have been no previous low – level sanctions in the 364 days immediately before the date of the current failure.

The 8 day sanction is applied to the next available Assessment Period.

Example 3

Alejandro is referred to the MWA scheme and is required to participate in a 4 week placement on 15.2.16.

Alejandro fails to participate in the scheme on 22.2.16. The DM determines Alejandro has good reason for the failure to participate in the scheme on 22.2.16.

On 1.3.16 the work coach refers Alejandro to the MWA scheme to complete the balance of time on his placement starting on 31.3.16.

Alejandro fails to participate in the scheme on 11.4.16.

On 28.4.16 the DM determines Alejandro cannot show a good reason for the failure to participate in the MWA scheme on 11.4.16 and a 182 day sanction is appropriate as there has been a previous higher-level sanctionable failure in the 364 days immediately preceding the current failure.

The reduction period for this latest sanctionable failure is added to the TORP.

- 11 Any sanction referrals received with a date of failure to participate in the scheme **after** the last date a claimant can participate in the specific scheme (see paragraph 9) should be cancelled.

Compliance condition for low-level sanctions

12 Where a claimant has been referred to the CwP scheme and a failure to participate results in an open-ended part of a low-level sanction being imposed, the date the open-ended sanction **must** end is on

1. 26.10.16 **or**
2. 25.9.16 for CwP providers with early termination (see paragraphs 7 and 8)

unless it can end sooner (see **Example 2** at paragraph 10 and further guidance at paragraph 13 to consider varying the compliance condition).

Example

On 20.10.16 Asif should have attended an appointment with his CwP provider.

The provider is not one with an early termination date.

He has no good reason for the failure.

The compliance condition is to contact the provider and agree and attend the first available appointment. Asif makes no contact with either the provider or the UC outlet.

The open ended sanction will run from the date of the failure 20.10.16 and end on the last date the claimant can participate in the CwP scheme, i.e. 26.10.16. The fixed period low-level sanction will be imposed from 27.10.16.

Varying the compliance condition

13 Where the claimant

1. makes enquiries to end the open-ended sanction before the end date of the scheme **and**
2. it is no longer reasonable or appropriate for the claimant to participate in the CwP scheme

the work coach should set a revised compliance condition that is reasonable and achievable before the end date of the scheme.

14 The revised compliance condition could be, for example, to attend an interview with the work coach to discuss next steps. The effective date of compliance would then be

1. the date the claimant complies with the revised compliance condition **or**
2. 26.10.16 **or**
3. 25.9.16 for CwP providers with early termination (see paragraphs 7 and 8)

whichever date is the sooner.

Note 1: The open ended part of a low-level sanction cannot run beyond 26.10.16 for a failure to participate in the CwP scheme or 25.9.16 for CwP providers with early termination (see paragraphs 7 and 8). It **must** end on the last date a claimant can participate in the scheme (see paragraph 9).

Note 2: See further guidance on compliance conditions in [ADM Chapter K1](#).

Example

Alicia has received a letter telling her she is to be sanctioned as she failed to attend an appointment with her CwP provider on 3.10.16.

The provider is not one with an early termination date.

Alicia does not have a good reason for failing to participate in the appointment on 3.10.16.

On 11.10.16 she phones the UC outlet. Her original compliance condition is to contact the provider and agree a date for future attendance and attend a re-arranged appointment. However as the last date a claimant can participate in this CwP provision is 26.10.16 this is no longer appropriate as the provider has told her there are no more appointments available.

The work coach makes an appointment to discuss next steps with Alicia on 12.10.16 and advises her that this is her new compliance condition and the open-ended sanction will end if she attends the interview.

Alicia attends and participates in the interview with the work coach on 12.10.16. Alicia can therefore be treated as having complied on 11.10.16, the date she made contact with the UC outlet.

The open-ended sanction will run from 3.10.16 (the date of the failure) until 10.10.16 (the day before the date of compliance).

ANNOTATIONS

Please annotate the number of this memo (ADM Memo 5/16) against DMG paragraphs: K1046 (Heading), K3038 (Heading) and K5031.

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in [Memo DMG 03/13](#) - Obtaining legal advice and guidance on the Law.

The content of the examples in this document (including use of imagery) is for illustrative purposes only