

## JSA – END OF MANDATORY WORK ACTIVITY (MWA) & COMMUNITY WORK PLACEMENT (CWP) SCHEMES

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### INTRODUCTION

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

**Note:** For full guidance on the MWA and CwP schemes see DMG Chapter 34.

### 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.

**Note:** If a claimant fails to participate after 1.3.16 they cannot be re referred to the scheme for any 'balance of time'.

### **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. Therefore the final date a work coach can refer a claimant to CwP is 31.3.16 and the last date claimants can participate in the CwP scheme will be on or before 26.10.16.
- 6 Claimants referred to the CwP scheme prior to 31.3.16 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:** Referrals to the CwP scheme in these areas will not be made after 29.2.16.

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

**Note 2:** Full guidance for failures to participate in the MWA scheme or CwP scheme, good reason and the imposition of sanctions is in [DMG Chapter 34](#) (JSA Sanctions).

- 10 The period of any sanctions applied will not be affected by the end of provision date. The sanction will run to a date after the provision has ended until the duration of the sanction period ends as normal. If the claimant leaves benefit during the period of the sanction, any balance of sanction will be applied to a new claim to JSA following the normal rules for sanctions (see DMG Chapter 34). It is the date of failure which is the important date the DM has to consider and that **must** occur on or before the last date for participating in the relevant scheme (see paragraph 9).

### **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 13 week sanction is appropriate as this is Mark's first higher-level sanctionable failure.

Mark was last paid JSA up to 4.4.16. His benefit week ending day is a Monday. The sanction runs from 5.4.16 to 4.7.16.

### **Example 2**

Brie was referred to the CwP scheme on 30.3.16.

On 26.10.16 Brie fails to attend an appointment with her CwP provider by way of participation in the scheme. The provider is not one with an early termination date.

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 and a 4 week sanction is appropriate as there has been no previous low-level sanctions within 52 weeks of the current sanctionable failure.

Brie was last paid JSA up to 10.11.16. Her benefit week ending day is Thursday.

The sanction runs from 11.11.16 to 8.12.16.

### **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 due to a family bereavement.

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 26 week sanction is appropriate as there has been a previous higher-level sanctionable failure within 52 weeks of the current failure.

Alejandro was last paid JSA up to 22.4.16. His benefit week ending day is Friday.

The sanction runs from 23.4.16 to 21.10.16.

### **Example 4**

Alicia is referred to the CwP scheme on 29.2.16. The provider is one affected by early termination.

On 23.9.16 Alicia fails to participate in a required case management meeting with her CwP provider.

On 12.10.16 the DM determines Alicia does not have a good reason for the failure to participate in the scheme on 23.9.16 and a 13 week sanction is appropriate as there has been a previous low-level sanctionable failure within the previous 52 weeks but not 2 weeks of the current failure.

Alicia was last paid JSA up to 4.10.16. Her benefit week ending day is Tuesday.

The 13 week sanction runs from 5.10.16 to 3.1.17.

On 14.11.16 Alicia starts temporary employment for 4 weeks. Her JSA award ends on 13.11.16.

On 10.12.16 Alicia reclaims JSA as her contract of employment ended on 9.12.16.

The balance of the sanction, 3 weeks and 4 days, is imposed on her new award for the period 10.12.16 to 3.1.17. (The period off benefit 14.11.16 to 9.12.16 (3 weeks and 5 days) is deducted from the sanction period).

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

## **ANNOTATIONS**

Please annotate the number of this memo (DMG Memo 7/16) against DMG paragraphs: 34761(Heading) and 34855.

## **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.

**DMA Leeds: March 2016**

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