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Department for Work and Pensions

Work Programme Live Running Memo

To: Work Programme Providers

From: Work Programmes Division

Memo Serial Number: 128

Date: 17 July 2013

Subject: Work Programme – Jobseekers (Back to Work Schemes) Act 2013 – effect on sanction cases stockpiled due to the Court of Appeal decision on Wilson/Reilly

Action: For Information and Action

Timing: Immediate

Background

- Following the recent judgments in the High Court (August 2012) and the Court of Appeal (February 2013) in a Judicial Review of the Jobseeker's Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011, the Department was unable to make some sanction decisions where a JSA sanction referral had been made.
- These sanctions referrals were held in a stockpile by LMDMA (Labour Market Decision Making and Appeals) teams. Following the introduction of the Jobseekers (Back to Work Schemes) Act 2013 the Department can now make decisions on these sanction referrals.
- The Department will begin processing this stockpile of decisions from July 15th 2013. This may lead to participants being sanctioned many months after their failure to attend.
- Because mandation activity is applied differently across Work Programme providers nationally it has not been possible to predict exact volumes. Initial test cases indicated that they are expected to be relatively small.

Summary and Action

- Over the next 3 months you should expect to receive a number of decision notifications for these stockpiled referrals which you will need to action in the usual way for participants who are still on the Work Programme with you.
- Additionally for some participants for whom you raised a sanction request prior to 22nd October 2012, the LMDMA team will need to establish the date that the participant re-engaged with you, as prior to 22nd October 2012, those JSA participants who would have attracted a 26 week sanction would have had that sanction lifted at the point that they re-engaged with you.
- In most cases the LMDMA teams will identify these re-engagement dates from their records. In some this may not be possible. For these, the LMDMA teams will contact you to provide the re-engagement date.
- Please note that in most cases the LMDMA teams making the requests will not be the LMDMA team that you are currently linked to. **You may receive requests from a number of teams across the country.** It has been identified that the most effective means to request the cases is for the LMDMA teams to send you a weekly list of participants for whom they require the re-engagement date.
- To facilitate this process, we are requesting that you to identify a suitable person to act as a Single Point of Contact (SPOC), who will receive the request lists and co-ordinate the response to the BDC contact.
- The list will be posted to your SPOC on a weekly basis. It will have the LMDMA SPOC contact name and number on it and a return postal address envelope accompanying it.
- Once you have received the list, your SPOC will then need to identify the re-engagement date for each participant and return an annotated list to the same LMDMA team who made the request within 7 working days.
- If you are unable to identify the re-engagement date please note this on the list.
- Once the LMDMA team receive the list of re-engagement dates from you, they will decide on the appropriate sanction and send a decision notification to both the participant and yourselves.
- Due to the significant delay, in some instances, between the date of transgression and the input of the sanction, it is acknowledged that there are likely to be some participants who wish to discuss and/or

Further Information Contact Details

All enquiries on the subject of this Memo should be raised with your Performance Manager in the first instance; they will endeavour to provide you with an answer as soon as possible.

Regards

Work Programmes Division Enquiries Team