

Minimising the harm of Sanctions



**Universal Credit Vision & Jobseekers
Allowance - Claimant Commitment**

- paving the way for Universal Credit

June 2014

Claimant Commitment

The Claimant Commitment outlines what job seeking actions a claimant must carry out while receiving Jobseeker's Allowance (JSA) and Employment and Support Allowance claimants in the Work Related Activity Group. It emphasises the claimants' responsibility to do all they can to look for work in return for the support they receive from the state.

Sanctions



With over 50% of sanctions being successful challenged in favour of the claimant, sanction decisions should be appealed.

Sanctions have been set at record levels because they are being imposed for the the slightest deviation from agreements and often without good reason.

Sanctions cause distress and hardship not only to the claimants but to other members of the family.

Jobseeker Allowance Sanction (JSA) – Example

It's Christmas Day. You don't do any jobsearch, because it's Christmas Day. So you get sanctioned. For not looking to see if anyone has advertised a new job on Christmas Day. (Source: Poverty Alliance)



What is a Sanction?



A financial penalty placed by the Department of Work and Pension to reduce payment because of a failure to comply with the conditions of entitlement for the benefit.

The length of time for a sanction will be dependent on the reasons for the sanction.

Sanctioned JSA claimants will receive no benefit or a considerably reduced amount of benefit for a period ranging from a minimum of 4 weeks to a maximum of 156 weeks (3 years).

Sanctioned Employment Support Allowance (ESA) claimants will be suspended until there is participation in the work seeking activities after which there will sanction from 1 week to 4 weeks

Sanctions – Employment and Support Allowance (ESA)



Sanctions for ESA are only applicable to those in the Work Related Activities Group. The requirements are:

- To attend or take part in any work-focused interviews
- To take part in compulsory work-related activities

Sanctions – Job Seekers Allowance (JSA)

Jobseekers Allowance claimants are expected to comply with the following:

- To be available for employment
- To be actively seeking employment
- To comply with any Jobseeker Direction
- And not leave a job voluntarily or lose a job through misconduct



Avoiding Sanctions

Claimant commitment as an agreement

- Be as confident as you can be in negotiating the agreement.
- Take a friend or relative for support if possible.
- Make an official complaint if your adviser won't reach an agreement with you.



Claimant commitment – highlighting restrictions



Don't assume the personal adviser knows or understands the difficulties you are likely to experience.

Be as realistic as possible in the tasks that can be completed, taking into account any specific health or disability-related limitations.

Give full explanations of any health conditions or restrictions and how it will affect job searches and work related activities.

Evidence



Ask for everything in writing, where possible.

Confirm all agreements agreed over the telephone by letter or e-mail. If there are any areas of doubt ask for an immediate response.

Keep every bit of paper, text and email you receive. You might need them as evidence.

Record every telephone call if you can. It's not illegal and you don't have to inform the DWP or private sector provider that you are doing it.

Give written reasons for good cause when a mandatory claimant commitment has not been completed. Personal advisers are instructed that they should never ask if you have good cause, but only take details if you volunteer the information without being prompted.

JobCentre Plus



Try to get to every appointment early because people are unfairly sanctioned just for being a few minutes late.

Complaints



Use Jobcentre Plus' complaints procedure for unreasonable instructions.

Most people don't complain but all the evidence is that targets have to be met and they are looking for easy victims, not people who will cause them problems.

If unfairly threatened with a sanction, or actually sanctioned, then immediately complain in writing to your MP's office - complaints where an MP is known to be involved are taken much more seriously.

Sanctions – appealing



If there is any doubt about decisions, then it is possible to challenge the sanction by the mandatory reconsideration and appeal process.

There is a very high success rate for appeals against sanctions and it's likely that many more are resolved in the claimant's favour before they ever get to a tribunal hearing.

Jobseekers Allowance Sanction claimant commitment



While under a sanction, there is a need to continue to be available for work and to actively seek work.

Not doing so could lead to a loss of entitlement and the claim being closed.

JSA Sanctions - Hardship payments



Hardship payments can be claimed during the sanction period but they need to be claimed. The Jobcentre staff are not obliged to advise people to claim hardship payments.

Hardship payments are paid at 60% of the basic weekly benefit for a single person.

A slightly higher rate is paid where one of the claimants is pregnant or there is a serious illness in the family.

Hardship payments for the vulnerable group

Those in the “vulnerable group” can apply for a hardship payment immediately:

- pregnant or responsible for dependent children
- single and looking after a 16 or 17 year-old
- disabled or have a long-term physical medical condition,
- a carer entitled to the Carers Premium as part of their JSA,
- aged 16-17 (in some circumstances),
- aged under 21 and in the last 3 years were looked after by a local authority



Hardships payments for non-vulnerable group



For those not in the vulnerable group, there is a 15 day wait from the day that the sanction began.

Scottish Welfare Fund



Normally not able to receive a payment while sanctioned but payments will be paid for children within the family and should be considered on the merits of each claim.

Personal Perspectives

Employment and Support Allowance - Mentally ill people need to be helped, not hounded

Ministers promise 'parity of esteem' for mental and physical health services. Instead the reality is scandalous cruelty ([Polly Toynbee, The Guardian](#), Tuesday 8 July 2014)



High proportion on employment and support have mental illness or learning difficulties.

Staff been told to “disrupt and upset” – in other words bullying but described as “offering further support”

Job Seekers Allowance



The sanctions regime for Jobseeker's Allowance (JSA) is "grossly unfair to people with learning disabilities" and helps to "trap them in poverty (Learning Disability today, 23rd July 2104)

Learning disability is often misunderstood or ignored

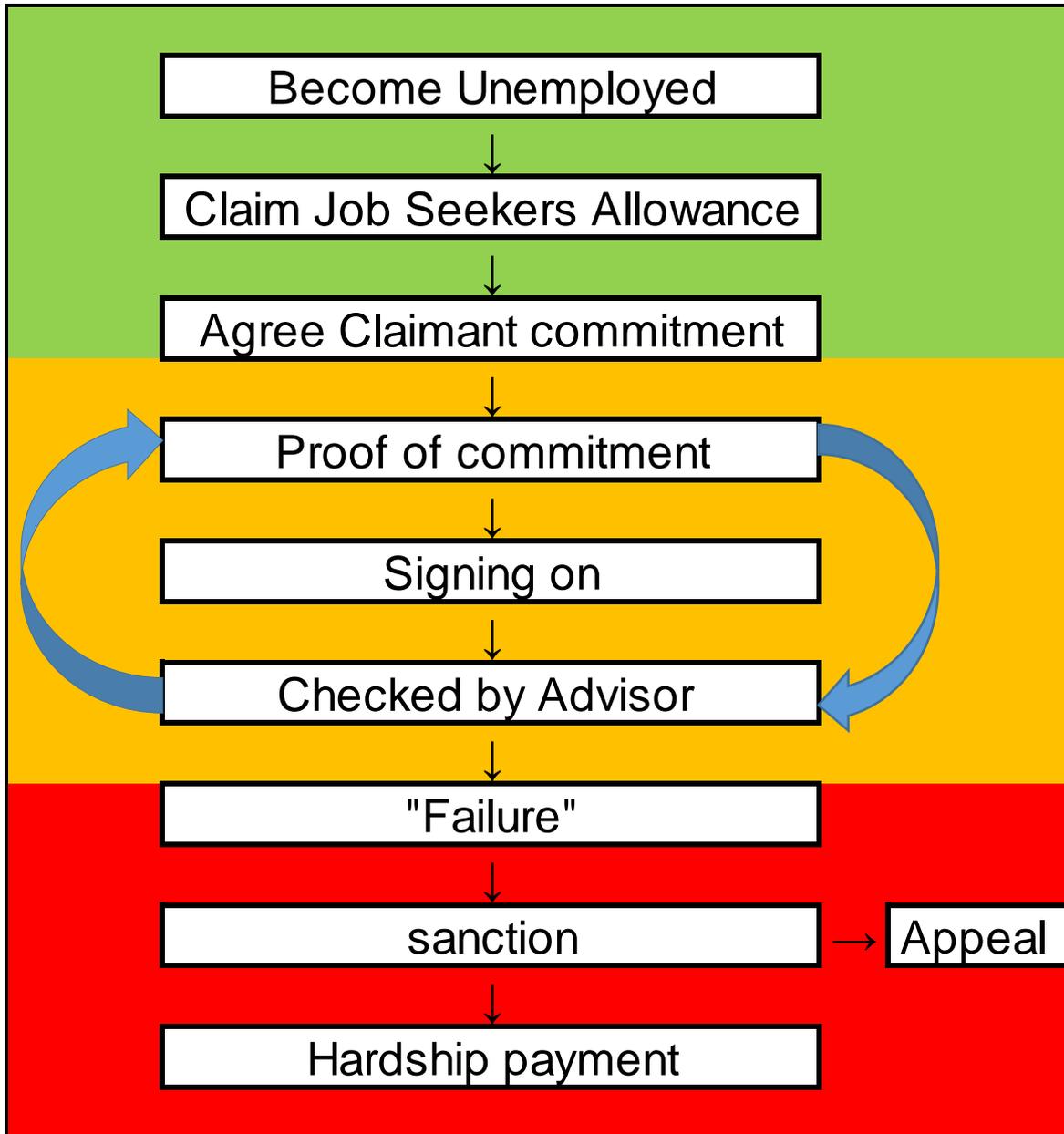
Essential simple adjustments aren't made to help individuals complete the tasks they are often unfairly set.

People with a learning disability have been sanctioned again and again for not completing tasks which they simply were not able to due to their learning disability.

Sanctions have caused panic, confusion and financial hardship, all of which were completely avoidable

Brief Overview of Jobseeker Allowance claim

- 1) If unemployed then claim Jobseekers Allowance.
- 2) If fulfil criteria then agree claimant commitment.
- 3) Then receive payment.
- 4) Then continuous cycle of signing on and proving that the agreed actions of the claimant commitment have been met until entitlement to JSA ends.
- 5) If there is a perceived failure to meet the claimant commitment then a sanctioned can be imposed.
- 6) If there is a sanction:
 - a. Appeal if there is any doubt about the decision to impose a sanction. There is no guarantee that of an appeal being successful but over 50% of decisions challenged are being overturned.
 - b. Claim Hardship payments
 - c. Maintain the cycle of proving claimant commitment.



For more information on this briefing please contact Ian Sneddon, Rights Now! Project on 0131 281 0867 or ian@inclusionScotland.org



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