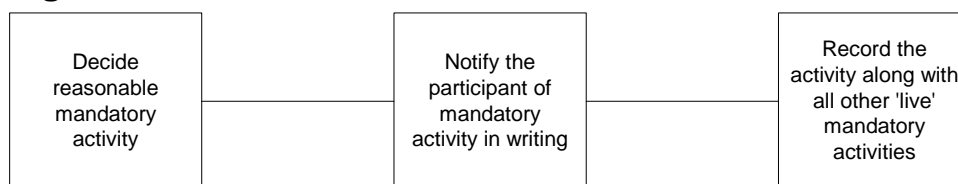


## Chapter 3a – Mandation

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### High Level Must Dos



### Mandating participants to undertake activity

1. Mandation is a tool to be used to encourage participation in the work programme with sanctionable consequences for non participation.
2. To mandate a participant correctly, you must ensure certain policy, procedural and legal regulations are adhered to.
3. An activity can include anything that you mandate a participant to do whilst on the Work Programme (WP), for example, attending an **appointment** or a **workshop**.

**Please Note:** An Employment and Support Allowance (ESA) participant, who has a current sanction which was imposed for a failure to participate before 3rd December 2012, cannot be subject to a further sanction until re-engagement has taken place. If you were to mandate a participant who is already sanctioned and subsequently raise a compliance doubt, the referral would be returned 'cancelled' by the Labour Market Decision Maker (LMDM).

## Actions

4. The following steps must be taken on every occasion you want to mandate a participant to do something:
- Ensure that the activity is reasonable in the [participant's circumstances](#)
  - Ensure that the participant is aware of the [sanctions consequences](#) of failing to participate in a mandated activity
  - Notify the participant in writing on a Mandatory Activity Notification (MAN):
    - The specific action that they are required to undertake
    - When or by when they must undertake it
    - That the action is mandatory
    - What evidence, if any, they must supply to demonstrate completion
    - The potential consequences should the participant fail to comply.  
Required wording: If you do not undertake the activities required in this notification your benefit could be affected
  - For JSA participants you must include the wording as outlined in paragraph 34 regarding the consequences of not participating
  - For IS lone parents (claiming IS solely on the grounds of being a lone parent) and ESA (WRAG) lone parents with a youngest child aged 3 – 4 years, you must state on the notification that 'this activity forms part of your work-related activity action plan.'
  - The MAN must be either [handed direct to the participant or sent by post](#)

Record the above information (the MAN) along with all other ongoing mandatory requirements in a single action planning document (Further information regarding Action Planning can be found in [Work Programme Guidance Chapter 3b – Action Planning](#)).

5. Where you choose to mandate, you must always take follow up action if the participant fails to participate in the mandated activity by undertaking the compliance doubt process (Further information regarding the compliance doubt process can be found in [Work Programme Guidance Chapter 6 – Raising a Compliance Doubt](#))

### Consequence

The Labour Market Decision Maker (LM DM) will make a decision based on an assumption that the MAN meets requirements. If you fail to mandate correctly any sanction imposed would not be underpinned by the legal framework.

**Please Note:** You are encouraged to use the Provider Direct telephone service to check that you hold the participant's correct details prior to deciding whether or not to make a DMA referral. More information can be found in the [Provider Direct guidance](#).

## Background

6. Further detail is provided in the [Background and Further Information Section](#).

## Detailed Background and Further information

### Mandating participants to undertake activity

7. You may decide to use mandation where you feel it is the best approach for encouraging a participant to attend an appointment or complete an activity.
8. For example, once it is apparent that a participant has failed to participate (FTP) in a non-mandated activity, you should consider mandating them to their next activity to help ensure they effectively engage with you. This also gives a clear message that a pattern of failing to participate will result in a sanction.
9. You may also want to take a 'blanket' approach and mandate all participants every time you want them to attend an appointment or complete an activity. You must ensure there is a clear link between cause and consequence, failing to comply with a mandated activity **will** result in a sanction being imposed if there is no genuine reason for it.
10. Irrespective of your model you must issue a separate MAN for each activity and it must be clear on the notification that the activity is mandatory.
11. It is a requirement that any change to what is required is notified on a new MAN to the participant so that it is specific to the new activity. It is also important to issue it in good time.

### Sanctions

12. You may decide that, in addition to benefit warning information that is contained in the Mandatory Activity Notification, the participant may benefit from further clarification of how the sanction regime could affect them. Financial hardship provision is also available from Jobcentre Plus, where

applicable, to ensure participants are not placed in financial hardship if sanctioned.

### **Jobseekers Allowance (JSA) sanctions**

13. There is no provision to revise the period of a sanction for failure to participate (FTP) without good reason when the claimant re-engages. Therefore, even if the participant complies with the mandated activity, they will still have to serve the full period of sanction.

14. There are three levels of sanctions that could affect a JSA participant:

- Lower level - Includes, without good reason; Failure to comply with a “work for your benefit” scheme, such as the Work Programme (Fail to Participate)

If a sanction is imposed it will lead to the participants JSA payments ceasing for a fixed period of 4 weeks for a first failure, followed by 13 weeks for any second or subsequent failure within a 52 week period of their last failure.

For example; Carol fails to attend a CV writing workshop she was mandated to go to. The Labour Market Decision Maker (LMDM) determines Carol has failed without good reason to participate in the Work Programme and imposes a 4 week sanction as this is Carol’s first failure. Six months later Carol fails to attend her Jobcentre Plus FJR appointment and the LMDM determines that she failed without good reason. This is Carol’s second lower level failure and therefore imposes a sanction of 13 weeks.

The sanction escalates as both of the failures are within the lower level category.

- The intermediate level - could be applied following a period of disallowance. The disallowance could be raised by you raising a JSA entitlement doubt (Further information can be found in [Chapter 8 – JSA entitlement doubt](#))

For failure to:

- Be available for work
- Be actively seeking employment

These failures will lead to disallowance as now, followed by a sanction (when they make a new claim for JSA) for a maximum of

four weeks for a first failure rising to up to 13 weeks for second or subsequent failure within a 52 week period of their last failure.

- The higher level - will **only be raised and applied by Jobcentre Plus**. However, you should be aware that a participant could be subject to such a sanction during their period on the Work Programme.

Applicable for, without good reason, to:

- Refuse /fail to apply or accept if offered a job
- Leave employment voluntarily
- Lose employment through misconduct
- Neglect to Avail of an opportunity of employment

These most serious failures will lead to JSA payments stopping for a fixed period of up to 13 weeks for a first failure, rising to 26 weeks for a second failure and 156 weeks for third and subsequent failure within a 52 week period of their last failure.

When a new claim is received from a claimant who had a 156 weeks sanction imposed on a previous claim, and they have been in paid employment for six months or more, claimant may apply to have the sanction reduced. The six months does not have to be a consecutive period.

### **JSA Hardship Provision**

15. It may also be useful to inform a participant that if they are sanctioned for a failure to participate in the Work Programme, they will have access to hardship payments JSA will not be payable for the full period of any sanction imposed regardless of whether they re-engage.

16. It is worth noting that if a participant receives hardship provision, there will still be a 2 week wait where they will not have access to funds. Claimant's who are classed as vulnerable, may receive hardship provision from day 1 of the sanction. This may need to be taken into account when requesting them to participate in Work Programme activities.

### **Employment and Support Allowance (ESA) Sanctions**

17. Sanctions that affect ESA participant in the Work Related Activity Group will affect 100% of their personal allowance.

**Please Note:** An Employment and Support Allowance (ESA) participant, who has a current sanction which was imposed for a failure to participate

before 3rd December 2012, cannot be subject to a further sanction until re-engagement has taken place. If you were to mandate a participant who is already sanctioned and subsequently raise a compliance doubt, the referral would be returned 'cancelled' by the Labour Market Decision Maker (LMDM).

18. The sanction is in two parts:

- Open ended period - which will be lifted when the participant re-complies with requirements
- Fixed period imposed – A first failure will attract a fixed period of a week; a second of two weeks, third and subsequent failures will attract a fixed period of four weeks. If a claimant incurs more than 3 failures they will continue to receive 4 week fixed periods.

Further information regarding re-compliance can be found in the [Work Programme Guidance Chapter 7 – From 3rd December 2012 -Re-compliance and reviewing a sanction](#)

### **ESA Hardship Provision**

19. If an ESA participant receives a sanction they will be eligible to apply for hardship provision from day 1 of the sanction. The participant will continue to receive the Work Related Activity Component. The hardship that a participant could be entitled to is 60% of the single persons prescribed amount. The claimant will only receive hardship payments if they are eligible and these will only be paid from the day they make the claim for a hardship payment.

### **Income Support Lone Parents Sanctions**

20. For IS lone parents failures will result in a sanction of 20% of their personal allowance. This sanction will increase by 20% for each subsequent failure, up to a maximum 100% sanction less 10p. The sanction will be lifted when the requirement is met.
21. An easement has been included in the regulations to prevent benefit sanctions escalating too quickly for IS lone parents as they do not have access to hardship.
22. Decision making action cannot be taken if a sanction for a previous failure is in place and it is not more than two weeks before the current failure.
23. If the current failure has occurred within two weeks of a reduction of IS or a doubt being raised you should not raise a further WP08 referral.

## Participants circumstances

24. When deciding whether activity is reasonable in a participant's circumstances you need to consider:

- The claimant's personal circumstances such as any health condition they may have, their ability to use transportation, their skills/education, any childcare responsibilities the claimant may have etc. These examples are not exhaustive.
- You must also remember that the participant's claimant group affects the nature of their participation. For example, although mandatory ISLP and ESA participants can be supported towards employment they cannot be mandated to:
  - apply for jobs, or
  - take up work
- Mandatory ESA participants cannot be required to undertake medical treatment

25. Participants can participate in training of more than 16 hours per week, (although for ISLP / ESA participants it must be reasonable for them to do so having regard to their personal circumstances). Further information regarding the participation requirements of differing participant groups can be found in Work Programme Guidance Chapter 2 – Work Programme Participant Groups. Any known restrictions the participant has will be detailed in the participant's referral. For example, in some circumstances, participants with health conditions, participants with childcare responsibilities or carers may have restrictions to the days and hours for which they are available.

To fulfil the conditionality requirements of Jobseekers Allowance (JSA), JSA participants must be available for and actively seeking work. This is established by Jobcentre Plus during jobsearch reviews. These requirements are in addition to any activity you mandate them to undertake.

Any disclosed disadvantage(s) and associated commitments for example drug/alcohol treatment/probation requirements that may limit availability

26. **Please Note:** If you decide to raise compliance doubts for ESA/ IS Lone Parent participants who are classified as vulnerable because of their health condition, you must make every effort to ensure they have understood the requirement before raising the compliance doubt (Further information regarding safeguarding ESA participants can be found in Work Programme Guidance Chapter 6 – Raising a compliance doubt).

### **Claimant groups and mandation**

27. Information regarding which claimant groups can and cannot be mandated to undertake activities can be found in Work Programme Guidance Chapter 2 - Work Programme Claimant Groups.

### **Work Experience and Work Placement**

28. Further guidance regarding work experience/work placement can be found in [Work Programme Guidance – Chapter 3C](#)

### **Mandatory Activity Notification**

29. The structure of the MAN can be as simple as a letter.

30. It will be necessary to have two types of letter. One for JSA Participants and one for ESA or Mandatory IS Lone Parent Participants. The reason for this is that you must give specific detail about the sanctions that could apply should a JSA participant FTA a mandated activity. ESA participants have a different range of sanctions and so the JSA sanction details, **must not** be included on the ESA MANs.

31. [Annex 1](#) and [2](#) contains some example JSA MAN templates that could be used to guide you when designing your own letters, and [Annex 3](#) and [Annex 4](#) contains some examples that can be used for ESA / IS Lone parent participants.

32. **Please Note:** The Work Programme is European Social Fund (ESF) funded and you must display the ESF logo on all your participant facing materials ([DWP Provider Guidance Chapter 11 - ESF Requirements \(England Only\)](#)). You must also display the Jobcentre Plus logo ([communication centre](#)) alongside the ESF logo. It is important that you access the most up to date information on logos whenever you make a change to your notifications.

33. When developing the MAN, you must adhere to the policy, procedural and legal requirements because a sanction can only be considered for non-compliance if the participant was correctly notified:

i.e. the specific action that they are required to undertake as part of mandatory participation.



34. The activity should be something that will help participants by enhancing their employment prospects and developing skills and disciplines associated with a normal working environment (e.g. attending on time, carrying out tasks, working as a team, interpersonal skills etc.) Those skills also include "behaviours" acceptable in a place of work.
35. It is recommended that only one activity to be achieved per MAN.
36. For example; a participant is mandated to attend a specific appointment. The attendance at the appointment is the requirement, although you may include steps you expect them to achieve such as:
- To find details of 5 jobs which would be applied for during the session  
Update their cover letter/curriculum vitae (CV) ready to be sent with the applications in time for the specific appointment.
37. Therefore, the participant is more aware of what **not** participating in the activity means in relation to any potential sanction action.

When or by when they must undertake it:

- Include date information. If not a one off activity, e.g. training course, you must put the start and the end date of the activity.
- That the action is mandatory

What evidence, if any, they must supply to demonstrate completion

If required, this should be as specific to the activity as possible to ensure that the participant time is focused and are under no illusion of what is required to participate. E.g. If the participant is mandated to go to a catering jobs fair – the specific activities could be to obtain relevant literature from at least 5 stands hand your CV to them and obtain follow up contact details.

The potential consequences should the participant fail to comply. Required wording:

“If you do not undertake the activities required in this notification your benefit could be affected”

38. For **JSA Participants only**, you must also include the specific wording;

*When you take part in the Work Programme, you are taking part in a scheme established by law under the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013.*

*If without a good reason you fail to attend or participate in the Work Programme your Jobseeker's Allowance and National Insurance credits will be stopped (or will be paid at a reduced rate, depending on your circumstances) for:*

- *four weeks; or*
- *13 weeks, if DWP have previously decided on one or more occasions that your JSA should be sanctioned because you failed to comply with your Work Programme requirements, or you committed any of the failures listed below within 52 weeks (but not within two weeks) of your last failure.*

*The failures referred to are, if without a good reason, you:*

- *fail to attend an adviser interview*
- *if applicable, fail to take part in a particular employment programme (such as the work programme)*
- *do not take the opportunity of a place on an employment programme or training scheme*
- *refuse or fail to apply for or accept a place on such a programme or scheme notified to you by your adviser*
- *fail to attend or give up a place or through your own misconduct lose a place on such a programme or scheme*
- *fail to comply with a Jobseeker's Direction.*
- **Please insert this text directly after the mandatory statement “If you do not undertake the activities required in this notification your benefit could be affected”**

**For ESA and mandatory Income Support Lone Parent, participants** state on the notification that ‘this activity forms part of your work-related activity action plan.’

Further information regarding the participation requirements of differing participant groups can be found in [Work Programme Guidance Chapter 2 – Work Programme Participant Groups](#)

### Timing of sending the MAN

37. Ensure that the timeframe between issuing the notification and the taking part in the activity is reasonable.
38. If the MAN is posted, it is taken to have been received on the second working day after posting (not including Saturday or Sunday or bank holidays).
39. For example: If an activity was due to start on the Tuesday at 9am, it would be advisable to send the MAN on the preceding Tuesday. It could then be assumed to have been received in good time, it would be unlikely that the participant could provide good cause for non-participation due to not receiving the MAN in good time.

### Method of sending the MAN

40. The MAN must be either handed directly or posted to the participant. If it is posted it is deemed to have been received on the second working day after posting (see above).
41. It is not acceptable to use electronic methods, such as text or email, to send the MANs to participants. However, it is acceptable to communicate electronically with participants to remind them of mandatory (or non mandatory) activities.

### Additional information on MAN

42. In addition, it may be of benefit to include other useful information that may minimise the risk of non participation, such as:
  - Supplying map and/or directions to the mandated activity
  - Encouraging participants to inform you of any circumstances that could affect their participation at the activity

**Please Note:** It is worth considering contacting Jobcentre Plus if you are having difficulty contacting a participant to check their contact details. This will be subject to local agreements being made.

### Re-arranging a mandatory activity

43. If prior to a participant undertaking a mandated activity, they contact you because they are unable to undertake the activity, you may choose to re-arrange the activity and not follow the compliance doubt process.

44. Re-arrange an activity does not contravene the good cause process undertaken by the LM DM. This is because **until** the mandated activity date has occurred, no FTP has occurred.
45. However, not taking compliance doubt action and allowing a participant to arrange an alternative appointment on a number of occasions weakens the link between cause and consequence.
46. It is important to consider before agreeing to re-arrange an activity whether or not this is the first time this has happened, or whether or not a pattern appears to be emerging. In these circumstances you may wish to consider challenging the participant, for example asking if they have proof to support the reason they have given for needing to re-arrange. You may also decide to raise a compliance doubt, and give details of previous instances when the same or similar reason has been used to avoid participation in a mandated activity.
47. For example: 2 days prior to the mandated activity, the participant telephones you and explains that following a routine doctor's visit, an urgent hospital appointment has been arranged for the morning of the activity. They explain the appointment may overlap with your activity. You could then decide to re-arrange the activity.
48. However, if you have any doubt when the participant asks to re-arrange, you would inform them that they need to attend and that if they do not attend, a compliance doubt must be raised.

### **Reconsideration of mandated activity for Mandatory ESA and IS Lone Parent Participants**

49. Mandatory ESA and IS participants may request a reconsideration of any activity they have been mandated to undertake. Where they do so you must look again at the activity and take into account why the participant does not feel the activity is appropriate, reconsider if the activity remains reasonable and appropriate in the participant's circumstances.
50. Requests for reconsideration should be considered as soon as possible with your decision being notified to the participant in writing. There is no specific form/template for this process.

### **Postponement of mandated activity for Mandatory ESA and IS Participants**

51. You may decide to postpone activity for Mandatory ESA and IS participants, if undertaking the activity at a particular time would be unreasonable in the view of the participant's circumstances.
52. Should you choose to postpone, you must ensure that you correctly mandate the participant to any rearranged activity i.e. send new MAN to participant.
53. If the activity that is to be postponed has already attracted a sanction, the sanction may need to be lifted. The participant would no longer be required to undertake original mandated activity at that time and therefore it is no longer appropriate for the sanction to be applied. Therefore, you will need to take the appropriate re-engagement action to remove the sanction and re-arrange the activity with the participant as soon as possible (Further information regarding re-engagement action can be found in the [Work Programme Guidance Chapter 7 – From 3<sup>rd</sup> December 2012 - Re-compliance and reviewing a sanction](#)).

## **Annex 1 – Example Appointment MAN (JSA ONLY)**

**[Office Name]**

**[Contact Tel.  
No.]**

**[Office Address]**

**[Date issued]**

**[Participant Name]**

**[Participant Address]**

Dear **[Participant Name]**

As part of your participation in the Work Programme, I am writing to inform you of an **appointment** which you are mandated to attend. What you have to do is explained below:

**Your appointment is (insert appointment name)**

**On: (date including day of the week)**

**At: (Start and Finish time)**

**Location: (and can include 'see enclosed map')**

**Your contact at [insert name of appointment provider] is [insert contact name].**

**[If appropriate] To achieve your goal we expect you to have [insert evidence needed for completion]**

**[If appropriate]** At this appointment, the following support can be offered **[insert detail]**.

Please inform us immediately if you need a registered child carer, an interpreter or any other service in order to attend, this may be able to be arranged and your costs covered.

If you are unable to undertake this activity and wish to re-arrange for a future date, please contact me immediately. My contact number is at the top of this letter.

**Please note that if you do not undertake the activities required in this notification your benefit could be affected.**

When you take part in the Work Programme, you are taking part in a scheme established by law under the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013.

If without a good reason you fail to attend or participate in the Work Programme your Jobseeker's Allowance and National Insurance credits will be stopped (or will be paid at a reduced rate, depending on your circumstances) for:

- four weeks; or
- 13 weeks, if DWP have previously decided on one or more occasions that your JSA should be sanctioned because you failed to comply with your Work Programme requirements, or you committed any of the failures listed below within 52 weeks (but not within two weeks) of your last failure.

The failures referred to are, if without a good reason, you:

- fail to attend an adviser interview
- if applicable, fail to take part in a particular employment programme (such as the work programme)
- do not take the opportunity of a place on an employment programme or training scheme
- refuse or fail to apply for or accept a place on such a programme or scheme notified to you by your adviser
- fail to attend or give up a place or through your own misconduct lose a place on such a programme or scheme
- fail to comply with a Jobseeker's Direction.

[Adviser Name]

## **Annex 2 – Example Activity MAN (JSA ONLY)**

**[Office Name]**

**[Contact Tel.  
no.]**

**[Office Address]**

**[Date issued]**

**[Participant Name]**

**[Participant Address]**

Dear **[Participant Name]**

As part of your participation in the Work Programme, I am writing to inform you of an **activity** which you are mandated to undertake. What you have to do is explained below:

**The activity that you are required to undertake [insert activity name]**

**On: (date including day of the week)**

**At: (Start and Finish time)**

**Location (and can include 'see enclosed map')**

**[If appropriate] To achieve your goal we expect you to have [insert evidence needed for completion]**

**[If appropriate]** For this activity, the following added support can be offered **[insert detail]**.

Please inform us immediately if you need a registered child carer, an interpreter or any other service in order to attend, this may be able to be arranged and your costs covered.

If you just want to find out more about this activity, you can contact (insert name) and the contact number is (insert number).



If you are unable to undertake this activity and wish to re-arrange for a future date, please contact me immediately. My contact number is (insert number).

**Please note that if you do not undertake the activities required in this notification your benefit could be affected.**

When you take part in the Work Programme, you are taking part in a scheme established by law under the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013.

If without a good reason you fail to attend or participate in the Work Programme your Jobseeker's Allowance and National Insurance credits will be stopped (or will be paid at a reduced rate, depending on your circumstances) for:

- four weeks; or
- 13 weeks, if DWP have previously decided on one or more occasions that your JSA should be sanctioned because you failed to comply with your Work Programme requirements, or you committed any of the failures listed below within 52 weeks (but not within two weeks) of your last failure.

The failures referred to are, if without a good reason, you:

- fail to attend an adviser interview
- if applicable, fail to take part in a particular employment programme (such as the work programme)
- do not take the opportunity of a place on an employment programme or training scheme
- refuse or fail to apply for or accept a place on such a programme or scheme notified to you by your adviser
- fail to attend or give up a place or through your own misconduct lose a place on such a programme or scheme
- fail to comply with a Jobseeker's Direction.

Yours sincerely,

[Adviser Name],

### **Annex 3 – Example Appointment MAN (ESA/IS only)**

**[Office Name]**

**[Contact Tel.  
No.]**

**[Office Address]**

**[Date issued]**

**[Participant Name]**

**[Participant Address]**

Dear **[Participant Name]**

As part of your participation in the Work Programme, I am writing to inform you of an **appointment** which you are mandated to attend. What you have to do is explained below:

**Your appointment is (insert appointment name)**

**On: (date including day of the week)**

**At: (Start and Finish time)**

**Location: (and can include 'see enclosed map')**

**Your contact at [insert name of appointment provider] is [insert contact name].**

**[If appropriate] To achieve your goal we expect you to have [insert evidence needed for completion]**

**[If appropriate]** At this appointment, the following support can be offered **[insert detail]**.

Please inform us immediately if you need a registered child carer, an interpreter or any other service in order to attend, this may be able to be arranged and your costs covered.

If you are unable to undertake this activity and wish to re-arrange for a future date, please contact me immediately. My contact number is at the top of this letter.

**Please note that if you do not undertake the activities required in this notification your benefit could be affected.**

This activity forms part of your work-related activity action plan.

## **Annex 4 – Example Activity MAN (ESA/IS Only)**

**[Office Name]**

**[Contact Tel.  
no.]**

**[Office Address]**

**[Date issued]**

**[Participant Name]**

**[Participant Address]**

Dear **[Participant Name]**

As part of your participation in the Work Programme, I am writing to inform you of an **activity** which you are mandated to undertake. What you have to do is explained below:

**The activity that you are required to undertake [insert activity name]**

**On: (date including day of the week)**

**At: (Start and Finish time)**

**Location (and can include 'see enclosed map')**

**[If appropriate] To achieve your goal we expect you to have [insert evidence needed for completion]**

**[If appropriate]** For this activity, the following added support can be offered **[insert detail]**.

Please inform us immediately if you need a registered child carer, an interpreter or any other service in order to attend, this may be able to be arranged and your costs covered.

If you just want to find out more about this activity, you can contact (insert name) and the contact number is (insert number).

If you are unable to undertake this activity and wish to re-arrange for a future date, please contact me immediately. My contact number is (insert number).

**Please note that if you do not undertake the activities required in this notification your benefit could be affected.**

This activity forms part of your work-related activity action plan.