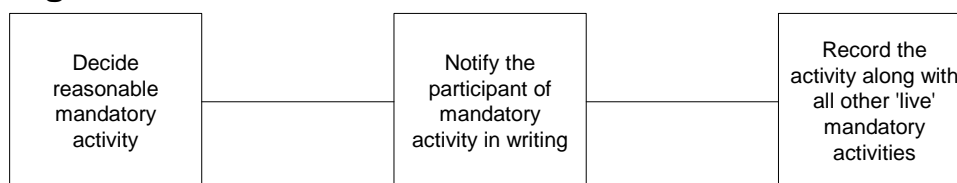


## Chapter 3 – Mandation, Action Planning and Participant Contact.

This chapter covers:

- [Mandating participants to undertake activity.](#)
- [Action Planning.](#)
- [Participant Contact.](#)
- [Detailed Background and Further information.](#)

### High Level Must Dos



### Mandating participants to undertake activity

1. Participants who are mandated to undertake activity may incur a loss or reduction of benefit should they fail to comply without good reason. (Further information regarding the participation requirements of differing claimant groups can be found in [Work Programme Guidance Chapter 2 – Work Programme Claimant Groups.](#))
2. Where you require there to be sanctionable consequences should a participant fail to comply you must ensure that you mandate them correctly.

### Actions

3. To ensure you comply with regulations when mandating participants you are required to:
  - Ensure that the activity is reasonable in the participant's circumstances.
  - Notify the participant in writing of:
    - 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 ESA participants only, state on the notification that 'this activity forms part of your work-related activity action plan.'

- Record the above information (the Mandatory Activity Notification) along with all other ongoing mandatory requirements in a single document.

### **Consequence**

If you fail to mandate a participant correctly (as outlined above), or the Mandatory Activity Notification is not recorded in a way that meets the criteria outlined above Jobcentre Plus Decision Makers may be unable to impose sanctions. This will waste both your time and that of Jobcentre Plus.

4. You have discretion as to whether you mandate participants. However should you elect to mandate, you are responsible for:
  - Undertaking the compliance doubt process should a participant fail to comply (Further information regarding the compliance doubt process can be found in [Work Programme Guidance Chapter 6 – Raising a Compliance Doubt](#)).
  - Following the re-engagement process, where a compliance sanction is subsequently imposed – required to follow the re-engagement process (Further information regarding re-engagement can be found in [Work Programme Guidance Chapter 7 – Re-engagement and Reviewing a Sanction](#)).

### **Action Planning**

5. You have the freedom to develop your own processes to support participants, plan activity and manage their experience whilst on the Work Programme which will be driven by your delivery model.
6. You must notify the participant in writing if you mandate them to undertake activity.
7. You must also ensure that as a minimum, participants have access to all ongoing mandatory requirements in a single document that is available to them at their request.
8. You will need to consider what information you keep about action planning to help you:
  - Effectively formulate exit reports (Further information regarding exit reports can be found in [Work Programme Guidance Chapter 10 – Completing the Work Programme](#)).
  - Meet European Social Fund (ESF) evidence requirements (Further information regarding ESF can be found in [Generic Provider Guidance Chapter 11 – ESF requirements](#)).
  - Respond effectively to participant complaints.

## Participant Contact

9. The frequency and means (text, e-mail etc) by which you contact participants will be driven by your delivery model.

## Identity Checks

10. You must ensure that in all communications with participants or their advocates you are satisfied you are engaging with the correct person
11. To do this, you may decide to ask them to state a combination of their personal information such as:

- Full name.
- Address.
- National Insurance Number.
- Other information such as details that were included within the original referral from Jobcentre Plus.
- Details you hold on your records.

## Detailed Background and Further information

### Mandating participants to undertake activity

12. You have the freedom to decide how you 'notify the participant in writing'.
13. When deciding whether activity is reasonable in a participant's circumstances you need to consider:
  - The participant's claimant group and how this affects the nature of their participation. For example, although mandatory ESA participants can be supported towards employment they cannot be mandated to: apply for jobs, undertake medical treatment or take up work.  
Also ESA WRAG (IR) participants cannot participate in training of more than 16 hours per week. (Further information regarding the participation requirements of differing claimant groups can be found in [Work Programme Guidance Chapter 2 – Work Programme Claimant Groups](#)).
  - Any known restrictions participants may have on their availability for work, which they have agreed with Jobcentre Plus. 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 work/ participate or ESA lone parents with a child under 13 who cannot be mandated to undertake activity outside school hours. These restrictions will be detailed in the participant's referral.
  - The jobseeking requirements of Jobseekers Allowance (JSA) participants e.g. JSA participants are required to satisfy jobseeking conditions which will include actively seeking employment, showing the steps they have taken to fulfil this condition at jobsearch reviews as set

out and delivered by Jobcentre Plus. This requirement is in addition to any activity you mandate them to undertake.

**Please Note:** If you decide to raise compliance doubts for ESA 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](#)).

### **Work Experience for JSA Claimants**

14. Where you are providing support for JSA participants, which is work experience you **must** mandate participants to this activity. This is to avoid the National Minimum Wage Regulations, which will apply if JSA participants are not mandated.

### **Reconsideration of mandated activity for ESA Claimants**

15. ESA participants may request a reconsideration of any activity they have been mandated to undertake. Where they do so you must take into account why the participant does not feel the activity is appropriate then reconsider if the activity remains reasonable and appropriate in the participant's circumstances.

16. Reconsiderations should be actioned as soon as reasonably possible and once you have undertaken these steps you must then notify the participant in writing of your decision.

### **Postponement of mandated activity for ESA Claimants**

17. You may decide to postpone activity for ESA participants, if undertaking the activity at a particular time would be unreasonable in the view of the participant's circumstances.

18. Should you choose to postpone you must ensure that you correctly mandate the participant to any rearranged activity you wish to be mandatory.