

# Evidence



Response to the  
call for information for the  
Independent Review of Jobseeker's  
Allowance Sanctions

Citizens Advice  
January 2014

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## Introduction

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Citizens Advice welcomes the opportunity to respond to the independent review of benefit sanctions. In 2012/2013 Citizens Advice advised 2.1 million people on 6.6 million issues. In the last four quarters for which statistics are available, bureaux gave advice on almost three million enquires on benefits and tax credits. Sanctions and hardship payments issues account for almost ten per cent of the advice queries we receive for jobseeker's allowance (JSA). As such, we are ideally placed to provide evidence to this review.

On a daily basis bureaux see how communications and process failures across conditionality and sanctions obscure the policy intent and thus minimise its effectiveness. Many of these failures are preventable and easily remedied through small changes in process, notifications and guidance. When claimants experience unnecessary hardship as a result of poor communications they are unable to fulfil their requirements, moving them further from the labour market.

In the main body of the response we discuss the main communications failures and provide a series of recommendations to remedy or alleviate the problems caused by such failures. We have attached two appendices; Appendix A contains a selection of case studies from bureaux organised around the themes of the main document, and Appendix B provides the demographic data from bureaux with regard to people seeking advice about welfare benefit sanctions.

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## Summary

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Citizens Advice has identified three core themes across the communications failures experienced by claimants:

- communications failures that cause compliance failures
- communications and systems failures that cause inaccurate referrals and adverse decisions
- communications failures that create barriers to re-engagement

### **Communications failures that cause compliance failures**

- Good communication of mandatory activities can help prevent a compliance failure.
- Improving the timing, quality and type of communications could cause a reduction in compliance failures and a concomitant increase in behaviours associated with better labour market outcomes.
- People learn from and are engaged by information in different way. Using a range of communications types and styles will increase attendance and decrease compliance failures

Recommendations:

- JCP to be responsible for both referral and appointments communications for joining a back to work scheme
- All appointment letters to be issued a minimum of seven days in advance.

- Reminders to follow notifications by text (SMS), email or telephone.
- Face to face communications are vital to engaging claimants

### **Communications and systems failures that cause inaccurate referrals and adverse decisions**

- There are a range of failures in the communications and in the processes for collecting and sharing information between agencies that lead to claimants being erroneously referred for a compliance doubt, or going on to receive a sanction in error.

#### Recommendations:

- Providers and JCP to make clear to claimants that all attendance records are sent to the DWP and that the DWP will decide if reasons for non-attendance are acceptable.
- Providers to give claimants clear written guidance on absence procedures, and reinforce the message in face to face settings.

### **Communications failures that create barriers to re-compliance**

- A number of communications failures make it difficult for claimants to re-comply with mandatory requirements and thus reduce the effectiveness of sanctions. These failures include:
  - Poor communication of the reasons for a sanction
  - sanctions being applied before notices are received
  - inadvertent termination of other non-sanctioned benefits
  - lack of information about other financial support
  - failure to flag up the reconsideration and appeals processes

#### Recommendations:

- Timely notifications: benefit payments should not be stopped until the sanction notification has been received
- The notification letter to be followed up by a telephone call which explains the correspondence
- Specific and personalised notifications are needed – these are paramount to the policy intent
- Information about alternative financial support that may be available and how to access it to be actively promoted and support to apply more accessible
- One piece of correspondence, one message: DWP to ensure unrelated issues are not conflated in a single notice

### **Demographic data of bureaux clients seeking advice for sanctions**

#### Gender:

- There is a greater propensity for men to seek advice at bureaux on sanctions than women
- While men made up 49 per cent of all clients seeking advice at bureaux, they accounted for 66 per cent of clients seeking advice about sanctions so that in 2013/14 36 per cent more males sought advice specific to JSA sanctions than sought other advice at bureaux

#### Age

- There is a greater propensity for people aged 50 – 64 years to seek advice specific to ESA sanctions than other age groups

- While the 50 – 64 years group accounts for 26 per cent of the Citizens Advice general client profile, they accounted for 45 per cent of advice queries for ESA sanction in 2012/13, which is 70 per cent more than the general client profile
  - Since 2010/11 there has been a steady increase in ESA sanctions advice sought by people between the ages of 50 and 64, despite Citizens Advice's general client profile showing little change
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## Evidence

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### 1. Communications failures that cause compliance failures

Good communication of mandatory activities can help prevent a compliance failure. Failure to communicate effectively with claimants, and between back to work scheme providers and the Department for Work and Pensions (DWP) or Jobcentre Plus (JCP), causes compliance failures. Improving the timing, quality and type of communications could cause a reduction in compliance failures and a concomitant increase in behaviours associated with better labour market outcomes.

Such sanctions have a detrimental impact on the claimant and their labour market journey, both financially and socially. A large number of these types of sanctions will be appealed, at a cost to the DWP.

#### 1.1 Inadequate communication of mandatory activity leads to non-attendance

The referral and appointment process for claimants to a back to work scheme is in two parts, managed by two different organisations. Claimants are initially notified of their referral to a scheme in a JCP letter. This letter states that benefit “could be affected” by failure to attend an appointment or activity with the provider. Scheme providers are subsequently responsible for notifying dates, times and venues of appointments or activities. There may be a considerable gap between the JCP letter advising a referral to a scheme has been made, and the follow-up correspondence from the scheme provider.

If the activity is mandatory (where failure to attend could potentially result in a sanction) there is a formal letter (a Mandatory Activity Notice) that the provider must use. Again, the text “... if you do not undertake the activities required in this notification your benefit could be affected” forms part of the notification letter.

DWP guidance for scheme providers suggests that letters should be sent a ‘reasonable’ amount of time before the appointment, and gives an example of one week’s notice. Follow-up, informal reminders may be issued, at the discretion of the scheme provider.

The timing, accuracy and clarity of these notifications are paramount. These elements of good communications work in concert and must be addressed together. Advisers in bureaux regularly see claimants who have received sanctions because of these types of communications failures. The timing of notifications is important. There are two aspects to consider: firstly, a notification must be sent far enough in advance to be received and acted upon by the claimant; and secondly, if there is a significant delay between the initial JCP referral letter and the notification from the scheme provider, then the claimant may not connect the two. Accuracy failings seen in bureaux include

notifications from providers which were incorrectly addressed and notifications which had incorrect details of the appointment (such as wrong date, time or location).

The clarity of the process and notifications is also central to achieving compliance. Failure to adequately convey that the activity is mandatory, and the specific consequences of non-compliance, means that some claimants will not prioritise the action. The claimant commitment goes some way to remedying this, but this clarity needs to be carried through all communications of mandatory activities.

Further to this, posting a letter does not guarantee that it will arrive in time, or at all. Few providers appear to follow up with informal reminders, such as text messaging, to reinforce or back-up a formal notification letter. Other sectors, such as health have had a positive experience of using informal appointment reminders. Recent research indicates that attendance at appointments is improved where a reminder is sent in the form of a text message or telephone call before the appointment. There are also positive cost implications, through reducing the waste in unused places and missed appointments.<sup>1</sup>

The initial referral of claimants from JCP to scheme providers should set out information about the claimants' qualifications, experience, availability, contact details, and specific needs.<sup>2</sup> After that, the responsibility is placed on the provider to check that the details they have been given are accurate using the 'provider direct' telephone service. DWP guidance recommends that providers check details after, for example, a claimant does not attend an initial mandatory appointment and before making a referral to a decision maker and appeals (DMA) office for non-compliance (that is, referring the claimant for a sanction). Poor initial client referral data is causing preventable compliance failures.

We have seen examples where the systems failures at JCP have led to incorrect or inaccurate information being given to scheme providers. This includes failure to provide accurate or complete information about current address and contact details, communication needs, availability restrictions, and health needs.

### **Recommendations:**

JCP should be responsible for communications at both stages of joining a back to work scheme - referral and appointments:

- The notification of the claimant's referral and initial appointment with a back to work scheme provider should come from the JCP. A single document should include the referral to the provider, details of the first appointment, and the need to comply.
- Clear information about the mandatory nature of the appointment, and the consequences of non-participation/attendance should be included. The principles and language of the new claimant commitment is an example of this type of clarity.

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<sup>1</sup> For example, Gurol-Urganci I, de Jongh T, Vodopivec-Jamsek V, Atun R, Car J (2013) 'Mobile phone messaging reminders for attendance at healthcare appointments (Review)' The Cochrane Library Issue 12, 2013 John Wiley & Sons, Ltd see <http://onlinelibrary.wiley.com/doi/10.1002/14651858.CD007458.pub3/abstract> (retrieved 10 December 2013)

<sup>2</sup> See [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/264168/wp-pg-chapter-4.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264168/wp-pg-chapter-4.pdf) (para 14)

- This will ensure the JCP is responsible for the provision of accurate information about claimants and there is no confusion about the mandatory nature of the activity.

Minimum standards for communications – time frames and types:

- All appointment letters should be issued a minimum of seven days in advance.
- Reminders to follow notifications: Written notifications should be followed up with a reminder before the appointment, through text (SMS), email or telephone, as preferred by the claimant.
- Face to face communications are vital to engaging claimants. Before attachment to mandatory activity, JCP advisers/work coaches should explain the process, the reasons for the referral, identify which aspects are mandatory, the nature of the programme, and emphasise to claimants that their benefit may be subject to sanctions if they fail to attend any provider appointment or activity.
- Utilising a range of communications types and styles will increase attendance and decrease compliance failures. People learn from and are engaged by information in different ways, thus using a range of communications types and styles will increase the likelihood of an individual understanding and engaging with the message.

## **1.2 Poor communication of other requirements whilst participating in mandatory back to work activities leads to compliance failures**

Notifications to attend mandatory back to work schemes include the direction that claimants “still need to meet ... benefit conditions”. Despite this, many people receive a sanction for not providing evidence of work search or similar while they are attending a mandatory scheme. Many claimants with this type of sanction tell bureaux advisers that they were not aware they needed to look for work, ‘sign on’ or go to appointments at JCP, as well as attend a back to work scheme. This indicates that the direction to adhere to ‘benefit conditions’ may not be clearly understood by all claimants.

### **Recommendations:**

The use of different types of communications is also needed to ensure understanding of other conditions of benefit while on a back to work scheme. Both written and face to face communications are needed. Messages need to be reinforced and easily cross-referenced across the provider landscape (from JCP, to scheme providers and sub-contractors).

There is a wealth of research in the private sector and educational settings on how people engage with communications, and how this information translates into action. As much emphasis on this, as on the legal requirements of communications, is needed.

- Use the opportunity provided by the claimant commitment: the claimant commitment should be refreshed at the point the claimant joins a back to work scheme to reflect and reinforce mandatory requirements
- Greater clarity in notifications, particularly explaining what is meant by ‘benefit conditions’ or other jargon. The notification should also refer the claimant to their jobseeker’s agreement or claimant commitment for specific details.

- JCP advisers/work coaches and back to work scheme advisers should regularly back up messages about complying with other conditions of benefit before and during back to work scheme activity.

## **2. Communications and systems failures that cause inaccurate referrals and adverse decisions**

There are a range of failures in the communications and in the processes for collecting and sharing information between agencies that lead to claimants being erroneously referred for a compliance doubt, or going on to receive a sanction in error. In order for such cases to receive an adverse decision, a further failure must occur in the collection of good reason from the claimant by the DMA office.

### **2.1 Inadequate communication to claimants of process for notifying inability to attend mandatory activity leads to avoidable compliance failures**

The process for advising absence to a back to work scheme is confusing and poorly understood by claimants. When a claimant does not attend a mandatory activity, the back to work scheme provider is contractually obligated to make a referral to the DMA office within 24 – 48 hours. This is required regardless of the client's situation or reason given to the provider. Any question of good reason is for the DMA office to collect and assess.

The only exception to this is if the claimant contacts the provider in advance and asks for the activity to be rearranged, the provider has discretion to do so if the reason for the rearrangement is 'reasonable' and taking into account the record of engagement. Many claimants are unaware that the provider is required to make a referral to DMA even if they have called in.

People in this situation seeking advice in bureaux frequently describe having contacted their provider when they have been unable to attend and did not receive any indication that there would be further action as a result. If claimants were advised at this point that the provider must give attendance records to the DWP regardless of reasons given on the telephone claimants will be prepared to keep and provide proof to the DMA.

#### **Recommendations:**

- Providers and JCP to make clear to claimants that all attendance records are sent to the DWP and that the DWP will decide if reasons for non-attendance are acceptable.
- Providers to give claimants clear written guidance on absence procedures, and reinforce the message in face to face settings.

### **2.2 Inaccurate non-attendance referrals sent to DMA**

Because of the high stakes for participants it is important that providers maintain detailed and accurate attendance records. This does not always happen, and

inaccurate attendance records have led to cases where incorrect referrals have been made to the DMA office. Bureaux have also advised people who received a sanction for not attending an activity which was cancelled by the provider.

**Recommendation:**

Providers need to improve attendance recording and reporting procedures. The employment related support sector should devise and implement minimum standards for the recording and reporting of participant attendance.

**2.3 Poor inter- and intra-organisational communications leading to conflicting mandatory appointments and subsequent sanctions for missing one of these**

Participants remain subject to benefit conditions while on back to work schemes, which can include attending interviews or other mandatory sessions. Mandatory activities can be set by providers and by the JCP, and failure to co-ordinate across agencies gives rise to situations where claimants are mandated to be in two places at once; the resulting non-attendance at one of these mandatory activities leads to referral to the DMA for a compliance failure.

**Recommendation:**

- While claimants are participating in a back to work scheme, no further mandatory appointments should be set unless the claimant's availability has been confirmed.

**2.4 Failures in communications with claimants in the 'good reason' process leading to inaccurate adverse decisions**

Following the receipt of a referral for a compliance doubt a decision maker in the DMA office should contact claimants to collect information from their side of the situation. 'Good reason' is the term used by the DWP to describe the collection and assessment this information from a client with regard to a compliance doubt. The reasons provided in response should then be considered by the DMA office in the light of the guidance, and a decision made on the sanction. The guidance for decision makers on good reason for compliance failures is comprehensive.<sup>3</sup> Good reason can also be collected by the adviser/work coach in the JCP during an interview with the claimant.

Many people seeking advice in bureaux on sanctions state that they were not asked to provide good reason. This includes a failure to communicate to the claimant the importance of this process or conversation and its meaning, letters not received, and confusion about which agency is responsible – the provider or the JCP. Confusion about the responsible agency is particularly relevant for participants in back to work schemes who can be unsure why they have received a good reason request from JCP when they have already supplied the information to their scheme provider.

**Recommendations:**

The recommendations set out in 2.1 need to be implemented, and further to those:

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<sup>3</sup> See Decision Makers' Guidance Memo 37/12: JSA Sanctions after 22 October 2012 (para 70 et seq) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/250845/m-37-12.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/250845/m-37-12.pdf) and Decision Makers' Guidance Chapter K2 – Good reason [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/246193/Chapter\\_K2\\_-\\_Good\\_reason.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/246193/Chapter_K2_-_Good_reason.pdf)

- Improve claimant understanding of the good reason process –
  - Revise wording of the good reason correspondence to improve its comprehensibility
  - Provide specific training to advisers for appropriate conduct of the ‘good reason’ conversation so that the importance and purpose of the discussion is clearly communicated to claimants
- Expand efforts to contact claimants to obtain their good reason. Not responding to a good reason request can have substantial consequences for claimants and thus it is preferable to err on the side of caution and assume if there has been no response that another way of contacting the claimant is needed. Thus, if there is no response to the ‘good reason letter’ within five working days, the DWP should attempt to contact the claimant by telephone or text message.

### **3. Communications failures that create barriers to re-compliance**

There are a number of communications failures that make it difficult for claimants to re-comply with mandatory requirements, and thus reduce the effectiveness of sanctions. These failures include:

- poor communication of the reasons for a sanction
- sanctions being applied before notices are received
- inadvertent termination of other non-sanctioned benefits
- lack of information about other financial support
- failure to flag up the reconsideration and appeals processes

These failures all create considerable demands on the time of the person sanctioned, in finding out what has happened, what they then need to do, as well as dealing with the impacts of not receiving benefit. This distracts from understanding what was and is required. It reduces the time available to the claimant to undertake the activities they are mandated to, which continue during a sanction period.

#### **3.1 Poor communication of the adverse decision and reasons for the sanction reduce learning intent of the policy**

In order for the learning intent of the policy to be realised it is necessary for claimants who receive an adverse decision to be appropriately notified and receive some warning that their benefit will stop. This does not happen in all instances. People seeking advice in bureaux frequently state that they have not had a letter to advise them of the sanction and only became aware that there was an issue when they did not receive their benefit payment.

Correspondence notifying the reason for the sanction gives the reason as a type of failure, rather than the specific failure. The use of benefit system jargon does not help claimants to understand why they have received a sanction. For example advising a claimant that the reason for their sanction was that they “could not be treated as actively seeking work” or “did not meet work search requirements” is straightforward for an adviser or decision maker, but is not necessarily clear to a claimant. It would be more helpful to the claimant and assist them to re-comply if the notification was specific to their exact situation.

It is not unusual for bureaux to advise claimants who have received grossly overdue notifications, for example, notifications dated 25 days after benefit was stopped.

Correspondence can also be extremely confusing. It is not helpful to the claimant to include multiple unrelated issues in one piece of correspondence – such as the sanction reason and end of contributory benefit notice in one letter makes each issue less comprehensible.

### Recommendations

- Timely notifications: benefit payments should not be stopped until the sanction notification has been received. The notification letter should be followed up by a telephone call which explains the correspondence. A model similar to the ‘decision assurance call’ made following a fit for work decision resulting from the work capability assessment could be looked to as an example.<sup>4</sup> This could make a qualitative difference to reengagement and re-compliance.
- Complete notifications:
  - notifications need to be specific and personalised
  - sufficient detail of the reconsideration and appeals process so that the claimant can commence this if needed
  - information about alternative financial support that may be available and how to access it
  - contact details should the claimant wish to ask questions,
- One piece of correspondence, one message: DWP should ensure unrelated issues are sent as separate correspondence

### **3.2 Poor communications can lead to the termination of housing benefit, which makes future compliance more difficult**

Failure to provide adequate information to claimants during the sanctioning process often leads to housing benefit/local housing allowance (HB/LHA) also being stopped when a sanction is applied, even though housing benefits are not subject to sanctions for labour market compliance failures. That HB/LHA is not part of the sanction is not always clear to claimants, and what action they need to take with regard to their HB/LHA is not explained.

The situation arises because, when a qualifying benefit such as income-related ESA or JSA is terminated, the local authority is advised and housing benefit is stopped. The communication to the local authority is not explicit about why the benefit claim has been terminated: it is a binary on/off notice. For many claimants they do not become aware of that the HB/LHA claim has also been terminated until they receive a notification from their landlord of arrears, or the HB/LHA payment is not received when expected. It is often rent arrears that causes clients to seek advice, rather than the sanction itself, per se.

The breakdown of a HB/LHA claim creates a barrier to re-compliance with labour market conditions by distracting the claimant from work search or other mandatory activity, particularly where rent arrears accrue. The time taken in efforts to address a threat of significant debt or potential eviction takes primacy over compliance with JSA or ESA conditions. This undermines the policy objective of imposing a sanction and moves people further from the behaviours which the sanctions system is trying to

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<sup>4</sup> See Litchfield, P (2013) ‘An Independent Review of the Work Capability Assessment – year four’ pp. 19 – 21 at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/265351/work-capability-assessment-year-4-paul-litchfield.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/265351/work-capability-assessment-year-4-paul-litchfield.pdf)

instil. Many claimants do not approach their local authority as they mistakenly believe that the sanction also applies to their HB/LHA. It can cause undue hardship and be a deeply traumatising experience.

The letter sent by the DWP (DLJA 102) to claimants about the sanction states that “we will tell your local council who pay your Housing Benefit about our decision when it has been made.” It does not say what the consequence will be of telling the local council, or what the claimant needs to do. This is insufficiently clear for many claimants and indeed assumes that all claimants have a clear understanding of the different delivery and qualification aspects of the welfare benefits system and how they interact.

#### **Recommendations:**

Citizens Advice has previously asked the DWP to change the automated notification to local authorities so that it reflects the nature of the termination of JSA or ESA. We have been told that this change to the IT system is not viable. Despite this, changing the automated notification, and the local authority’s response to it, remains our preferred solution:

- Improve notification to the local authority so that it delineates between types of benefit terminations. Where a termination is the result of a sanction the HB/LHA remains an active claim in payment and the local authority must contact the claimant to confirm their continued entitlement to the benefit.

A lesser solution is to improve the sanctions notification so that there is greater clarity about what action claimants also receiving housing benefits need to take if they receive a sanction. This will not resolve all cases of sanctions leading to termination of housing benefit, but could reduce the frequency of unnecessary housing benefit terminations.

- Sanctions notifications to claimants need to clearly advise that if the claimant also receives HB/LHA they must contact their local authority immediately. The notification should be clear that:
  - the current claim for HB/LHA is based on entitlement to income related JSA or ESA
  - if the income related JSA or ESA is terminated (as it is in some sanctions) then the HB/LHA will also be stopped
  - this does not mean that the claimant is no longer entitled to HB/LHA, but that they need to talk to their local authority about their claim
  - they may be able to make a nil income or low income claim for HB/LHA

#### **4. Citizens Advice demographic data on clients seeking advice about welfare benefit sanctions**

Citizens Advice’s demographic data on clients shows that men and people aged between 50 – 64 years are more frequently come to bureaux for advice about sanctions than other groups.

Gender:

- There is a greater propensity for men to seek advice at bureaux on sanctions than women

- While men made up 49 per cent of all clients seeking advice at bureaux, they accounted for 66 per cent of clients seeking advice about sanctions so that in 2013/14 36 per cent more males sought advice specific to JSA sanctions than sought other advice at bureaux.

#### Age:

- The age demographic data shows that since 2010/11 there has been a steady increase in ESA sanctions advice sought by people between the ages of 50 and 64, despite Citizens Advice's general client profile showing little change.
- There is a greater propensity for people aged 50 – 64 years to seek advice specific to ESA sanctions than other age groups
- While the 50 – 64 years group accounts for 26 per cent of the Citizens Advice general client profile, they accounted for 45 per cent of advice queries for ESA sanction in 2012/13, which is 70 per cent more than the general client profile

Please see Appendix B for more detail.

## 5. Claimant engagement with communications

The difficulties with communications faced by many people seeking advice at bureaux may also indicate that they are experiencing barriers to engaging with communications from the DWP/JCP or back to work scheme providers. There has been a great deal of research across a variety of sectors to understand and improve the opening, reading and retaining of information from correspondence by consumers. Much of this learning could be applied to correspondence from the DWP/JCP.<sup>5</sup>

#### Recommendations:

- Greater priority needs to be given to ensuring the provision of accessible and engaging communications
- DWP/JCP to look to and act on published research and expert advice on improving consumer engagement with correspondence from private sector

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<sup>5</sup> For example, see Ipsos MORI (2012) 'Prompting engagement with and retention of written customer communications' Ofgem (London) at <https://www.ofgem.gov.uk/sites/default/files/docs/2012/10/prompting-engagement-with-and-retention-of-written-customer-communications.pdf>

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## Appendix A

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### Case studies from Citizens Advice Bureaux

#### Communications failures that cause compliance failures

##### Inadequate communication of mandatory activity leads to non-attendance

In the West Midlands, a man sought advice from a bureau after his JSA was sanctioned because he had not attended an appointment. He said that his back-to-work scheme provider usually gave him a 'post it' note with details for all his appointments. In this instance, however, he had received neither an official letter nor a 'post it' note for the appointment.

A man in the South West contacted his local bureau when his JSA payment did not arrive when it was due. On the following day, JCP told him that it had been sanctioned as he had failed to attend a back-to-work scheme provider appointment that he knew nothing about. JCP told him to appeal and request a hardship payment, which he did the same day. The following week, the letter advising the original appointment arrived – 13 days after the appointment.

An East of England bureau helped a man claiming JSA, who was unable to read and write. Following an earlier sanction for not filling in a job search form, he had an arrangement with JCP that they would always phone him with appointments and instructions. On this occasion, he received no phone call, so he missed a back-to-work scheme appointment and was sanctioned. To compound the issue, the Jobcentre staff refused to help him send a letter of explanation to the decision maker.

##### Inadequate communications between Jobcentre Plus and providers

A bureau in the South East advised a man who was sanctioned for four weeks because he missed an appointment with his back-to-work scheme provider. He had not known about the appointment because the letter had been sent to an address he left over a year before. JCP were aware of his current address.

A man claiming JSA contacted his local bureau in East Midlands. He was of no fixed abode and had been advised by JCP that he need only tell them about his changes of address – they would tell the back-to-work scheme provider as 'it was their job.' He was then sanctioned as he had failed to respond to back-to-work scheme letters. JCP admitted responsibility, as they had not passed on information, told him to apply for a 'crisis loan', and said that they would 'file an appeal on his behalf.' Three weeks later he had received no money and was suffering from anxiety and depression.

An East of England bureau helped a man whose JSA had twice been sanctioned, due to communication failures with his back-to-work scheme provider. Firstly, he provided them with medical evidence from his GP that he could not do any heavy lifting, due to a back condition. He was sent to work with Age UK but was unable to do the job, as it involved heavy lifting. Age UK told him they had not been told about

his limitation and the provider subsequently said they had not received any medical evidence.

### **Poor communication of other requirements whilst participating in mandatory back to work activities leads to compliance failures**

A South East bureau helped a man who was sanctioned because he failed to attend an interview at JCP whilst he was on a provider-led training course to which he had been mandated. He had applied for a hardship payment but had not received anything, and he had no money for food and his rent was in arrears.

A London bureau saw a man with learning disabilities who was given a four-week sanction for not submitting any 'hard evidence' that he had tried to find work whilst on a back to work training scheme. He had not realised that it was necessary to do this whilst he was undertaking the course.

### **Communications and systems failures that cause inaccurate referrals and adverse decisions**

#### **Inadequate communication to claimants of process for notifying inability to attend mandatory activity leads to avoidable compliance failures**

A West Midlands bureau advised a woman whose JSA had been sanctioned. She had needed to attend her grandfather's funeral at the same time as her provider appointment. She contacted the provider in advance, who said that was fine, and that they would rebook. However, they did not do so, and she was sanctioned.

A bureau in London advised a man in the work-related activity group for ESA. He had missed one appointment with his back-to-work scheme provider due to his medical condition, but he had attended the next day and was advised there was no problem. He was then sanctioned for non-compliance. He then received a poorly-drafted letter from JCP informing him of a sanction, but not giving reasons. He approached the bureau for help after making numerous attempts to resolve the issue himself, contacting the benefit centre, the Jobcentre, and the provider, all to no avail. He was at no point informed that he could claim a hardship payment.

A woman claiming ESA contacted an East of England bureau for help. She had been diagnosed with cervical cancer and had given the back-to-work scheme provider a list of her hospital appointments. She was sanctioned for failing to attend an appointment on the middle day of a three-day hospital stay. The woman had two daughters and her ESA was reduced to £28 per week. She asked for reconsideration, but had heard nothing five weeks later.

#### **Inaccurate non-attendance referrals sent to DMA**

An East of England bureau helped a man whose JSA had been sanctioned because he had not attended a two-day training session with a back-to-work scheme provider. The man said that he had attended on both days, and the training provider had confirmed that.

A woman of no fixed abode in the East of England, who had been claiming JSA for six years, was sent on a back-to-work scheme course. She attended the whole course but was subsequently sanctioned for failing to attend part of it. She asked the provider to contact JCP to advise them that she had not missed any of the course, but the provider said they could not do that 'for data protection reasons.' The bureau worker then contacted the provider, who agreed to provide the woman with written evidence of her attendance that she could take to JCP.

A bureau in Yorkshire & the Humber advised a woman who was sanctioned for four weeks for failing to attend provider-led training when the receptionist had rung her to tell her not to come in because the trainer was ill. She was subsequently told that she should have attended to sign the attendance register.

A woman in the West Midlands was advised by a local bureau after her JSA was sanctioned. She had been referred by JCP to a provider for a CV-writing course. After starting the course, she felt that she was too advanced to benefit from it, and told the provider, who asked for a copy of her CV. The provider said that her CV was perfect, and that there was no need for her to attend further. She was subsequently contacted by JCP asking for an explanation of her failure to attend the course; she gave her reasons as above but was sanctioned. The woman was very concerned that as this had happened eight months earlier, it would be impossible to confirm her version of events with the provider.

A bureau in the South West saw a man who was on a four-week Mandatory Work Activity course. After three weeks he was released by the provider as 'he was unable to complete the tasks'. The provider told him he would not be penalised, but he was in fact sanctioned for three months. He appealed but the appeal was rejected. After the Bureau's intervention it was established that the provider's reason was noted on the decision-maker's documents but had not been taken into account. The sanction was lifted.

### **Poor inter- and intra-organisational communications leading to conflicting mandatory appointments and subsequent sanctions for missing one of these**

A man in Yorkshire & the Humber had been sanctioned twice since September 2012 because he had not attended any appointments with a prime provider. He had, in fact, been reassigned to a different, subcontracted provider in July 2012, and had missed none of their appointments. He had received no response to his request for reconsideration and, as a consequence of having no money, was unable to have his three children at the weekends.

A North Eastern bureau helped a single man with an appeal when his JSA was sanctioned for a month. He had missed a back-to-work scheme interview whilst he was attending a work trial that had also been arranged for him.

A bureau in Wales helped a woman claiming JSA, who was sanctioned for failing to attend a back-to-work scheme training course. The reason was that she was attending a different course that she had already been assigned to. Despite her having proof of attendance at this course, JCP refused to remove the sanction. The woman was left with no income for food and utilities for herself and her daughter.

## **Failures in communications with claimants in the 'good reason' process leading to inaccurate adverse decisions**

A bureau in South East helped a man who had not received his payment of JSA. When he enquired why, he was told that his JSA had been sanctioned due to failure to attend the Work Programme. This was the first time he was made aware of the sanction, he had not received any letter asking why he had not attended, any formal decision letter informing him of the reasons why he was being sanctioned, or details on the level or length of the sanction.

## **No prior notification of a sanction being imposed**

A bureau in London advised a lady whose ESA was sanctioned. Her benefit was reduced from £195 to less than £50 per fortnight, causing her serious financial hardship. She did not receive any letters telling her about the sanction – she only found out that this was why her ESA had reduced when she contacted JCP. She had been sanctioned because she had missed a back-to-work scheme appointment due to illness. Her sister had rung two days beforehand to say she would be unable to attend, and arranged another date that she did attend. It was subsequently agreed that she was wrongly sanctioned, and arrears were paid.

In Wales, a bureau advised a single young man claiming JSA. He had not received his benefit and had not received any written or verbal warning of a sanction. He had not missed an appointment or failed to attend the back-to-work scheme. The bureau worker was advised by JCP that he had been sanctioned for two weeks for failing to attend a back-to-work scheme activity, but that he should be paid after his next signing day. He subsequently returned to bureau to say that his hardship application had been refused but he had been told that the sanction was for a failure to attend an appointment with the back-to-work scheme provider the year before.

## **Inadequate or incorrect information about hardship payments and appeal rights**

A bureau in Wales advised a single lady who was refused ESA in March 2013 and applied for JSA. The JSA was sanctioned in June 2013 when she was unable to attend a provider event. She was advised by both JCP and the back-to-work scheme provider not to appeal the sanction but to apply for ESA again. She delayed applying for ESA, but when she did it was refused because it was less than six months since previous ESA claim ended. At the time she had received no benefit for 13 weeks and had been given three food bank vouchers but could not afford gas or electricity.

A bureau in the East of England advised a single man claiming JSA who was sanctioned for three months for failing to attend his provider appointment. Notifications had been sent to his old address. He was advised that it was not worth appealing as it would take three months to sort out. He subsequently made a claim for a hardship payment. The bureau gave him a note saying that he would like to make an appeal and that they should give him the correct form.

In the East Midlands, a bureau advised an epileptic man whose JSA was sanctioned because he did not attend a back-to-work scheme meeting, because his two-year old daughter had been taken ill and he was her sole carer that day. He

rang the provider in advance and was told that this would still have to be noted as 'did not attend'. The four-week sanction caused severe hardship for him. He was not told about hardship payments or food banks, or how to appeal the sanction decision. During the period of the sanction suffered hunger, hardship, and stress that may have been the cause of an increase in epileptic attacks over this period.

A bureau in the North West advised a man whose JSA was sanctioned for three months when he attended an ESE scheme, but forgot to sign the attendance register. He appealed against the sanction but the appeal was rejected as he had no money to travel to the hearing. He had no food and asked for a hardship payment, but was told by JCP that hardship payments were only available after a sanction comes to an end. He was living on money borrowed from friends, but who refused to lend him more, and was being chased to repay an earlier HB overpayment of £651.

## **Communications failures that create barriers to re-compliance**

### **Poor communication of the adverse decision and reasons for the sanction reduce learning intent of the policy**

A North East bureau helped a man who had a letter notifying him that his ESA was sanctioned, which gave a start date but no end date. The letter said he could appeal, and gave him the benefit centre number for further information. They were unable to provide any more details, even the sanction end date, and referred the adviser on to the Jobcentre. The Jobcentre were also unable to provide any more information, and referred the adviser on to the provider, who said they only advise JCP of missed dates and are not involved after that. This meant that the appeal could be based only on very limited information.

An East of England bureau helped a man claiming ESA, who had been sanctioned for 'failing to engage with the back-to-work scheme provider'. The bureau adviser had considerable difficulty in advising the man because they repeatedly received conflicting information about the length of, and reason for, the sanction. The adviser tried to contact the back-to-work scheme adviser but he did not return the messages left. The man had evidence of attendance at his fortnightly reviews and progression activity, and a certificate to confirm he had completed a training course, as well as a letter saying that his failure to attend one appointment was not his fault, as he had not been notified of it. He did not know what he had done wrong and to do next. The adviser helped him to appeal, but in the unsatisfactory situation of not knowing the facts.

### **Poor communications can lead to the termination of housing benefit, which makes future compliance more difficult**

A bureau in Yorkshire & the Humber advised a man whose JSA was sanctioned for allegedly failing to attend back-to-work scheme events. He had in fact attended, and the provider had no record of any failures. No enquiries were made about these alleged failures. To compound the failure his hardship request was not processed, his HB was stopped, and he fell into rent arrears and had no money for food, gas or electricity.

A man was advised by an East of England bureau whose JSA had been sanctioned. He had contacted his back-to-work scheme provider to tell them that he was unable to attend a training activity on one day due to a domestic emergency involving his son and grandchild. As a result of the sanction for missing the session, his JSA and HB were stopped. His rent went into arrears and he was threatened with eviction.

A woman seen by a London bureau had been wrongly sanctioned for non-attendance at a provider activity. The provider subsequently admitted their mistake and gave the woman a letter to confirm this. She passed the letter to JCP, expecting that the sanction would be lifted, but was told that as the claim was closed, she would have to use the rapid reclaim process that could take a further three weeks. As a result, she accumulated both rent and council tax arrears.

### **Difficulties in getting benefits reinstated after a sanction is lifted or ended**

A London bureau advised a man whose JSA was sanctioned when he missed back-to-work scheme training. His back-to-work scheme provider sent a fax to confirm that he had not missed any days of his training, but JCP told the bureau that it would take a further eight working days to process the communication from the provider.

A South West bureau advised a single person whose ESA was sanctioned following incorrect information being provided to JCP by her back-to-work scheme provider. She had documentary evidence from JCP that her sanction should have been lifted four months earlier, but she was still not receiving benefit because the relevant form from the provider (WP09) had not been received from the provider by the Benefit Centre.

A Wales bureau advised a woman claiming ESA. She suffered from diabetes and had mental health needs. She failed to attend one back-to-work scheme appointment due to her illness – she had been hospitalised several times due to her diabetes. The sanction was apparently for one week, but had continued for over nine weeks, despite the woman making frequent trips to both the Jobcentre and the provider in her attempts to get it lifted. The bureau adviser contacted JCP who said that the necessary paperwork had just been sent for processing. The situation made it difficult to comply with other requirements and aggravated the woman's health problems.

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## Appendix B

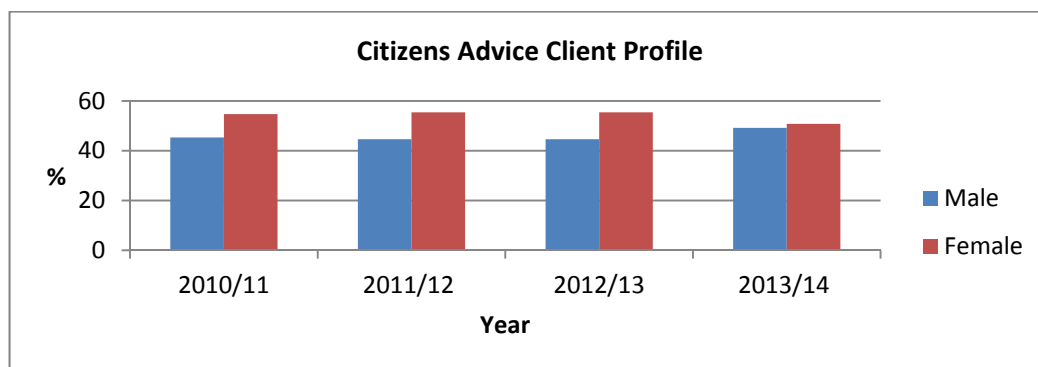
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### Citizens Advice sanctions statistics and demographic data

In the second quarter of 2013/2014 Citizens Advice saw an increase of 64 per cent in advice queries for JSA sanctions, compared to the same period the previous year. Over the three quarters October 2012 – June 2013 we saw a pattern of significant increases in the number of advice queries about JSA sanctions, with year-on-year increases of 45 per cent, 40 per cent and 30 per cent per quarter respectively. The sudden increase to 64 per cent in Q2 2013/2014 is likely to be a combination of the trend we have seen since the change in JSA sanctions rules in October 2012, an increase in the number of individuals being sanctioned and, very recently, the clearing of a significant ‘stockpile’ of decisions about sanctions. We understand that this stockpile is not in the of the scope of this review.<sup>6</sup>

Citizens Advice’s wider demographic data for the second quarter of 2013/14 shows that the majority of our clients were white (86 per cent), female (51 per cent) and non-disabled (79 per cent). The most common age group was 35-49.

This is consistent with our JSA sanctions demographic data in each category except for gender. For Q2 in each of the last 4 years, the majority of sanctions advice was sought by males, despite the females making up slightly more than half of the general client profile. In the second quarter of 2013/14, 2 per cent more females than males sought some form of advice in bureaux. In the same period, 34 per cent more males than females were given advice specific to JSA sanctions.



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<sup>6</sup> This stockpile developed over the course of the last year whilst the Government faced a court case about back to work schemes. This led to a delay in making decisions about sanctions for people were on back-to-work schemes. Looking at our qualitative data it appears that this stockpile was addressed between July and October 2013. During this period we saw numerous instances of people who were on back-to-work schemes seeking advice about a sanction that had been applied for alleged compliance failures going back as far as 14 months.



The age demographic data shows that since 2010/11 there has been a steady increase in ESA sanctions advice given to those between the ages of 50 and 64, despite Citizens Advice's general client profile showing little change. In 2012/13 this age group made up almost 45 per cent of the advice queries about ESA sanctions

