

Derbyshire Welfare Rights Service

Benefit Sanctions – Information for Jobseekers

If you are claiming Universal Credit (UC) or 'new style Jobseeker's Allowance' in a UC area, please see our range of Universal Credit leaflets. This leaflet refers to the JSA scheme prior to the introduction of Universal Credit.

It is important for you to keep any written decisions from DWP relating to sanctions so that we can advise you accurately.

Sanctions are reductions of benefit which are imposed upon you if you do not co-operate with the reasonable requirements of Jobcentre Plus to seek work or to take action to prepare for work, or if you leave employment or a training programme without good reason.

This leaflet tells you why sanctions happen, what they are and what rights you have to challenge decisions and claim hardship payments.

If you are age 16 or 17, seek further advice, as special rules apply.

If your JSA claim comes to an end as part of the decision, seek advice straight away. Any new claim you make may need to be for Universal Credit, and this will also affect your claim for Housing Benefit/Child Tax Credit

Who imposes sanctions?

A Decision Maker (DM) at Jobcentre Plus.

External bodies, such as government work scheme providers who are working with Jobcentre Plus, may provide them with information that leads to a sanction, but only the DM may actually impose sanctions.

What are the sanctions?

Sanctions are set at different levels depending upon the 'offence' committed, and whether you have committed more than one 'offence' within a set period.

Lower level sanctions –

- a fixed period of 4 weeks or
- a fixed period of 13 weeks if you are sanctioned again at the same level within 52 weeks.

Derbyshire Welfare Rights Service

These are imposed if:

- you stop being available for work or actively seeking work
- you fail to participate in an interview
- you fail to participate in a scheme assisting you to obtain a job
- you give up a place on a training scheme or employment programme, or fail to attend, you don't take a place up when offered, or you lose your place owing to misconduct.

These sanctions also apply if you fail to carry out a 'Jobseekers Direction' (a direction aimed at assisting you to find a job or increasing your chances of finding a job) given by Jobcentre Plus.

The Jobseeker's Direction should be reasonable and relevant to your situation and to the current labour market (actual availability of jobs) – it should also not require you to do something which conflicts with your sincere conscientious or religious beliefs.

Higher level sanctions

- fixed period of 13 weeks
- fixed period of 26 weeks

The sanction period is stepped up from 13 to 26 weeks if you are sanctioned again at this level within 52 weeks of the last sanction.

These apply if you:

- fail to take part in 'Mandatory Work Activity' (periods of up to 4 weeks of unpaid work or work-related activity) without good reason
- fail to apply for a particular job without good reason
- fail to take up an offer of work without good reason
- 'neglect to avail yourself' of a job opportunity
- leave a job voluntarily (does not include voluntary redundancy).

Important note: If you think a sanction is wrong, it is important to dispute the decision – contact the Helpline.

It is important to do this because if a sanction is imposed wrongly and you do not oppose it, it will remain effective and you could be affected more severely if you are sanctioned again within a year.

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How much benefit do I lose?

Your benefit may be reduced OR you may not be paid at all for the period of the sanction, depending upon your circumstances. You are usually still treated as entitled to JSA during this time even if you are not actually paid.

What is 'good reason'?

This is not defined in the rules, but should be open to reasonable interpretation.

Your personal circumstances should be taken in to account - such as any illnesses or disabilities you have that may make certain jobs unsuitable, whether you had medical or other appointments that could not reasonably be rearranged, any caring responsibilities that limit your ability to take up work or attend interviews etc., unreasonably high expenses that a job may incur (such as child care, excessive travel etc) and if you have a sincerely held conscientious objection to certain types of work.

Your 'Jobseeker's Agreement' should contain details of factors that limit your ability to take up work or training right away, work certain hours or work in certain types of job – if it does not, seek advice about updating it.

New jobseekers may find that the Jobseeker's Agreement is retitled the 'Claimant Commitment'.

What is 'misconduct'?

There is no fixed definition of this. It should mean generally that you have done something, or failed to do something, that is blameworthy.

Misconduct must have something to do with your job – this can include misconduct outside of working hours (e.g. someone whose job is driving being found guilty of drink-driving).

It may not always be clear that there is a case of misconduct. If your employer is satisfied with your conduct but not with the quality or quantity of your work and dismisses you, this is not misconduct.

Always seek advice on this.

Can I appeal against a decision?

Yes – but you must ask Jobcentre Plus to look at its decision again ('Mandatory Reconsideration') before you may appeal to an independent tribunal.

Take action to challenge a sanction as quickly as possible and seek advice – but there is no time limit to challenging a sanction.

Call our Helpline for more information and support with Mandatory Reconsiderations and appeals.

Derbyshire Welfare Rights Service

If you wish to appeal or have an appeal pending, please tell us as soon as you can, as owing to the number of appeals that we do, we cannot take on new work at short notice.

Hardship payments

You may request hardship payments to help you through a sanction period – they are paid at a percentage of your usual benefit.

Unless you are counted as vulnerable, you cannot get hardship payments for the first two weeks of a sanction period.

‘Vulnerable’ means you would suffer hardship if no payment were made and:

- you or your partner are pregnant
- you are responsible for some aged under 16
- your JSA includes a disability premium
- you or your partner has a ‘chronic medical condition’ which has lasted 26 weeks or more and is likely to worsen in the next two weeks
- you or your partner cannot carry out your caring responsibilities for a severely disabled person.

Housing Benefit

Housing Benefit should not usually stop just because your JSA is sanctioned.

However: your claim may be suspended if the local authority becomes aware that your circumstances have changed but they have not been told why.

It is important to tell the Housing Benefits office that you have a reduced income or no income at all, so that they may adjust your claim. Also inform them when the sanction ends, or if you win an appeal.

If your JSA claim has come to an end as part of the decision, seek advice. Any new claim you make may have to be for Universal Credit; this claim will also take over from your Housing Benefit claim.

If you have no money – Derbyshire Discretionary Fund

If you are left without money because of sanctions and you do not qualify for hardship payments, you may qualify for emergency help from the Derbyshire Discretionary Fund (DDF).

NB: DDF can provide an Emergency Cash Payment or an ‘Exceptional Pressure Grant’ – you need to meet certain criteria for each of these, but even so payment is not a legal right. You will need to give details of your circumstances for a decision to be made.

Derbyshire Welfare Rights Service

An emergency cash payment (in voucher form, which can be cashed at a post office if you have ID with you) can help people who cannot pay for food, heating or emergency travel which could lead to an immediate and serious risk to the health and safety of the person or their family. This could be because of a disaster or crisis.

**The DDF's claim line is 01629 533399 and they can be contacted
Monday – Friday 10am - 4pm.**

Additional information can be found on our website, visit www.derbyshire.gov.uk/discretionaryfund

To keep up-to-date with benefit changes in Derbyshire go to
www.derbyshire.gov.uk/benefitnews

**Benefits Helpline – 01629 531535 or email
welfarebenefits@derbyshire.gov.uk**

**Monday, Tuesday, Thursday, Friday
11.00am – 4.00pm**