

## Section 06 – The Mandatory Work Related Activity Period

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### Introduction

6.2. The following section details how you should ensure that each customer satisfies the Mandatory Work-Related Activity (MWRA) period when participating in the Flexible New Deal (FND).

### Mandatory Work Related Activity overview

6.3. You are required to ensure that every customer undertakes a minimum of at least 4 **continuous** weeks of full-time work related activity. This applies if the customer has not had at least 4 weeks **continuous** full-time paid work since starting on the FND. Customers can spend longer on MWRA if they wish to (it must be Voluntary) and beneficial to their efforts to gain employment. Providers will be notified of a customer exemption from participating in a period of MWRA via the Action Plan received via PraP as part of the JCP referral.

6.4. The four weeks work related activity/ work period must be within the customer's initial 52 week participation on FND. Only in exceptional circumstances can a customer's period of MWRA over run the 52 week period that they can spend with you. This over run is only acceptable if it forms part of the mandatory 4weeks. As soon as the customer has completed their 4 weeks they must be returned to JCP. (If they have completed their mandatory 4 week period of MWRA within their 52 weeks with you their MWRA can not be extended if it takes them over 52 weeks).

6.5. In the circumstances detailed above it is not necessary to seek an extension for the customer. As soon as it becomes apparent that the customer will still be completing their mandatory 4 weeks of MWRA after completing their 52 weeks with you, you must complete an FND4 and send to JCP. You must ensure when completing the FND4 that you explain why the customer will over run their 52 weeks with you, and you must include a revised end date. You should also alert

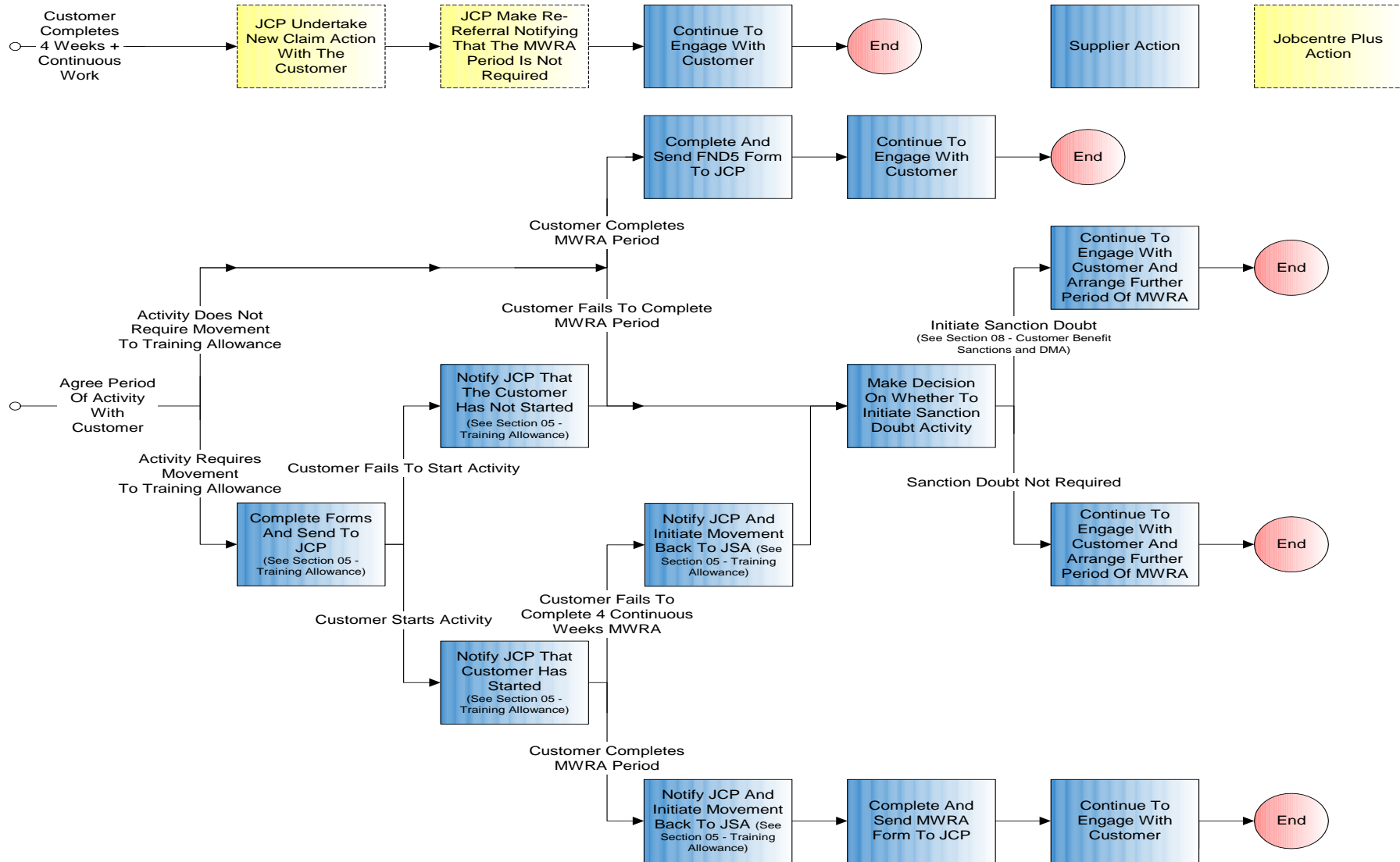
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JCP by speaking to your contact there to alert them to the revised end date so that they can delay booking the customer's End of Provision Review on LMS.

- 6.6. In the majority of circumstances customers undertaking a MWRA period will be in receipt of a Training Allowance (TA). The exception to this are SFA and ESF funded training courses. ([Further information regarding Training Allowance can be found in: Section 05 – Training Allowance](#)).
- 6.7. Providers should consider the distance that the customer would be expected to travel to participate in their MWRA and should consider reimbursing reasonable expenses.
- 6.8. Time spent participating in a MWRA period where the customer is in receipt of either Jobseeker's Allowance (JSA) or a TA will count towards the 52 weeks that make up the FND period.
- 6.9. Time spent in full-time paid work (where the customer is no longer eligible to receive JSA) will not count towards the 52 weeks that make up the FND period. Where a customer undertakes 4 weeks continuous full-time paid work it will negate the requirement for the customer to complete a MWRA period.
- 6.10. When a customer is re-referred notification will be included in the referral detailing whether the customer still requires a MWRA period ([Further information regarding customer re-referrals can be found in: Section 02 – Customer Referrals, Starts and Allotted time](#)).

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## Mandatory Work Related Activity flow diagram



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## Work Related Activity

- 6.11. Any activity the customer undertakes to satisfy the MWRA period must be based upon an accurate assessment of their needs and will need to:
- provide them with first hand experience of work; and/or,
  - demonstrate that it was addressing a specific barrier that will enable them to find and keep work.
- 6.12. On this basis, the work related activity period could include one or more of the following:
- a trial of work;
  - work experience (including test trading or other full-time activity in support of a move to self employment);
  - community work;
  - voluntary work; and/or,
  - certain types of work-focused training.
- 6.13. You will need to ensure priority is given to work-like activity (work experience, community projects, etc) where the customer needs to acquire work disciplines, or, training, where there is a skills requirement directly connected to getting or keeping a job.
- 6.14. Examples of skills activities that would count towards the requirement for the MWRA period include:
- courses that deliver work-related skills, such as food hygiene certificates, constructions skills certificates, customer service or basic word processing or spreadsheet qualifications;
  - employability skills (including soft skills); and,
  - basic skills and English as a second language courses.
- 6.15. **Please Note:** Skills provision differs in England, Scotland and Wales and at a sub-regional level.
- 6.16. Work experience opportunities may be offered within your organisation. As with opportunities delivered through third party organisations you will be required to demonstrate how any such activity is meaningful and matches the individual's needs, as described in their action plan. ([Further information regarding Action Plans can be found in: Section 03 – The Initial Meeting, Customer Action Plan and Fortnightly Contact](#)). You will also need to demonstrate how the work experience contributes to improving the customer's employability.
- 6.17. Work experience, community and voluntary work should not substitute for or displace employment on the open market and should primarily be aimed at improving the customer's employability. In addition any community or voluntary work should be for the benefit of the local community and not for profit. During the period of MWRA, customers will be required to engage with you. This activity SHOULD NOT form part of the minimum 30hrs MWRA
- 6.18. For most customers, a work related activity period will involve undertaking full-time activity (30 hours or more within the given week). It is for you to devise how

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the 30 hour period is made up, e.g. you may arrange for a customer to undertake a course that delivers a food hygiene certificate which may only require a days activity (7 hours) to complete, you would then be required to arrange further activity through the week to ensure the remaining 23 hour requirement is satisfied..

- 6.19. In some circumstances, customers such as disabled customers, customers with childcare responsibilities or carers may have restrictions to the days and hours for which they are available to work. Any restrictions will be detailed in the customer's referral ([Further information regarding customer referrals can be found in: Section 02 – Customer Referrals and Starts](#)).
- 6.20. **Please Note:** Should a customer state new restrictions to their availability (e.g. where a customer states they cannot undertake activities you are proposing due to caring responsibilities which you have not been notified of by JCP) this may effect the customers eligibility and you should alert JCP by completing the FND7 (Doubt referral form) along with the doubt referral form 1 (Customer may not be available for work or actively seeking work form) so eligibility can be investigated further ([Further information regarding entitlement can be found in: Section 08 – Customer Benefit Sanctions and DMA](#)).
- 6.21. To fulfil the requirement for four continuous weeks of activity, customers with restrictions are only required to satisfy the reduced conditions detailed in the customer referral regarding days and hours. For example, a customer with childcare responsibilities with a restriction stating that they are only available for work 16 hours a week between Monday and Thursday would only be required to undertake employment, or undertake activity for 16 hours between Monday and Thursday for four continuous weeks to fulfil the restricted requirement.
- 6.22. **Please Note:** For customers with child care responsibilities you should try to avoid planning MWRA periods during school holidays (or similar vacation periods).

### Absences

- 6.23. There will be circumstances that arise where through no fault of your own or the customers, they were unable to complete 4 continuous weeks of full-time work related activity, such as:
- Illness (for periods of illness you must advise the customer to notify JCP);
  - domestic emergencies,
    - such as where if there is a:
      - death;
      - serious illness; or
      - accident of a close relative or close friend;
    - or where:
      - there is a funeral of a close relative or close friend;
      - the person has caring responsibilities and the person they are caring for dies; or,
      - there is any other domestic emergency affecting the jobseeker or a close relative.

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- if a customer is temporarily looking after a child full time because the person who normally looks after the child is:
  - ill;
  - temporarily absent from home overnight; or
  - looking after a member of the family who is ill.
- where a customer is:
  - engaged in crewing or launching a lifeboat;
  - on duty as part-time members of a fire brigade;
  - engaged in emergency duties for the benefit of others;
  - required to attend a court or tribunal for any reason, for example as a defendant or as a witness; or,
  - detained in police custody.

6.24. **Please Note:** These absences are deemed acceptable provided they are isolated occurrences (e.g. if a customer was absent for a sustained period (over 2 days) we would expect the MWRA period to be stopped and re-arranged).

6.25. Where it can be documented that a customer has fully participated and complied, and periods of activity missed could not be helped the customer may still be deemed as completing their MWRA period.

6.26. This should only occur in exceptional circumstances and you will need to state at Part 3 of the FND5 (notification of completed MWRA form) the reasons for the periods of missed activity.

6.27. The MWRA period will not be deemed as being fulfilled in circumstances where a customer has poor attendance or is difficult. Customers who fail to comply or do not complete MWRA periods should have sanction doubts considered, and further full MWRA periods arranged.

### **Bank Holidays and periods of closure**

6.28. Where a customer cannot complete 4 continuous weeks of full-time work related activity because provision is unavailable due to closure on Bank Holidays or at Christmas you must discuss this with your Performance Manager to agree a suitable compromise.

6.29. However where provision (that forms part of a MWRA period) is unavailable due to one-off closures (e.g. Bank Holidays) the full-time requirement should be worked around any such Bank Holiday.

6.30. Where this was not possible you are required to discuss this with your Performance Manager and detail on the FND5 (notification of completed MWRA form) why a reduction in hours occurred (e.g. there was a Bank Holiday).

6.31. Where provision (that forms part of a MWRA period) is unavailable due to a sustained period (a full week) of closure (e.g. at Christmas) the customer must undertake any remaining provision after the break (e.g. if the customer had undertaken 2 weeks full-time activity before a break they must undertake a further 2 weeks full-time activity directly after any such break to meet the requirement).

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- 6.32. This must be agreed with your Performance Manager (prior to the event) and then detailed on the FND5 (notification of completed MWRA form) (e.g. there was a Christmas Break).

### **Part-time workers**

- 6.33. Customers undertaking part-time work remain required to undertake and participate in full with a work related activity period.
- 6.34. Where possible, you should work with customers, and employers to try to arrange part-time work around the 30 hour requirement. However, where this is not feasible, you have the discretion to reduce the work related activity period to a minimum of 20 hours per week so long as the customers work related activity participation, in addition to their part-time work equates to at least 30 hours per week.
- 6.35. In these circumstances you will be required to fully document why the customer is undertaking a reduced activity period. You should do so by completing the FND5 form populating Part 2 with the activity the customer has undertaken and also populating Part 3 detailing that the customer is a part-time worker and how you have arranged activity around this.

### **Agreeing an activity period with a customer**

- 6.36. You must agree with a customer any period of activity beforehand. You will have gained a good understanding of the customer's abilities and needs and should try to steer them towards activity that will benefit their employability and ability to stay in employment.
- 6.37. The customer should be part of the decision making process when establishing what work related activity they undertake. If the customer does not wish to undertake what you are suggesting and has good reason not to you should attempt to find a suitable alternative. However if the customer does not have good reason for refusing or continuously refuses to agree to all suggested activity, you should consider raising a sanction doubt ([Further information regarding sanction doubts can be found in: Section 08 – Customer Benefit Sanctions and DMA](#)).

### **Facilitating Training Allowance**

- 6.38. Customers who undertake certain full-time activities (16 hours or more per week) will be required to transfer from JSA onto a TA. You are required to identify if the period of MWRA attracts a TA, and if so notify JCP as soon as possible ([Further information regarding transferring customers from JSA onto a TA can be found in: Section 05 – Training Allowance](#)).

### **Customer completes the MWRA period**

- 6.39. Once a customer completes the MWRA period you are required to notify JCP. To do so you required to complete the FND5 form and send it to the customers JCP office. This should be done as soon as possible to avoid a delay to the customer's payment.

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- 6.40. You should complete Part 1, Part 2 - detailing the activity, the period it was undertaken and the hours of customer participation, Part 3 with any appropriate further information, and Part 4 - ticking the appropriate box and signing the declaration
- 6.41. You will then continue to work with the customer for their remaining FND period (52 week balance of FND activity).

### **Customer completes in excess of 4 weeks continuous full-time paid work**

- 6.42. Full-time paid work is defined as employment which is for more than 16 hours per week, which dictates that a customer must cease claiming JSA.
- 6.43. Should a customer wish to reclaim JSA they are required to contact JCP. JCP will check eligibility and identify customers who will be required to return to you for any remaining balance of FND activity, and re-REFER ([Further information regarding re-referrals can be found in: Section 02 – Customer Referrals, Starts and Allotted time](#)).
- 6.44. Where a customer completes in excess of 4 weeks continuous full-time paid employment they are not required to undertake a MWRA period. JCP will notify you that the customer is not required to undertake a MWRA period within the customer's re-referral.
- 6.45. If however you have been made aware that the customer has undertaken 4 weeks continuous full-time work, but the re-referral states the customer still requires a MWRA period, you should notify JCP by completing the FND5 form. You should complete Part 1, Part 3 - stating the period the customer states they were in full-time work and Part 4 ticking the appropriate box and signing the declaration.

### **Customer fails to complete the MWRA period**

- 6.46. If the customer fails to complete their MWRA period you are required to establish why.
- 6.47. You must decide if a customer has fully participated, complied and met your own attendance standards ([Further information regarding attendance can be found in: Section 04 – Provision, Childcare and Additional Support](#)).
- 6.48. Depending on the evidence you gather and the conclusions you arrive at you must decide to either:
- initiate a sanction doubt ([Further information regarding sanction doubts can be found in: Section 08 – Customer Benefit Sanctions and DMA](#)); or,
  - arrange a further period of 4 continuous weeks of full-time work related activity for the customer.
- 6.49. In all circumstances where a customer has switched to a Training Allowance and activity which attracted the allowance has ceased you must ensure that actions have been taken to re-establish the customer's claim to JSA immediately ([Further](#)

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information regarding notifying JCP that activity has ceased and customers reclaiming JSA can be found in: [Section 05 – Training Allowance](#)).

### Notifications from JCP

- 6.50. Once JCP has either, received notification on the FND5 detailing a customer's completed MWRA period, or established that a customer has been in excess of 4 weeks continuous full-time paid employment, they will record this.
- 6.51. At every point at which a customer is re-referred (or initially referred in circumstances where a customer has transferred to your support from another FND supplier) you will receive notification whether a customer requires a MWRA period or the requirement has been satisfied.
- 6.52. Should JCP *not* hold information detailing that a customer has completed a MWRA period (via the FND5) or have recorded that a customer has undertaken at least 4 weeks continuous full-time paid work since starting with you on the FND, they will be alerted to this at the customer's 45th week of FND participation. JCP will then contact you to establish why.