

Chapter 6 – Mandating Claimants / Raising a compliance doubt

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High Level Must Dos

Mandating claimants to undertake activity

1. Mandation is there to use as a tool to ensure that claimants do what is required of them.
2. If a claimant is not undertaking the required activities we expect you to raise a compliance doubt, e.g. if a claimant refuses to start a placement. Claimants who are mandated to undertake activity may incur a loss or reduction of benefit should they fail to comply without good reason.
3. You must ensure that you mandate claimants correctly in order to ensure that they can be sanctioned, where appropriate, for a failure to comply.

Actions

4. To ensure legal compliance, 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
 - what evidence, if any, they must supply to demonstrate completion
 - the potential consequences should the claimant fail to comply
 - they are required to participate in the CAP until told otherwise

Required wording (where the claimant has been mandated): If you do not undertake the activities required in this notification your benefit could be affected.

- ensure letters that are meant to mandate a participant to an appointment/activity make it clear that it is mandatory
- if a participant fails to attend an appointment/activity a compliance doubt must be raised. There is no second chance/good cause decision for you to make

- letters should not contain the statement that benefit will be affected when the participant has not been mandated to an appointment/activity
- 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 JCP Decision Makers will be unable to impose sanctions. This will frustrate the proper operation of the CAP and that of JCP. This will also impact your potential to receive a Completion Fee/Job Outcome payment if the participant is not actively engaged.

Identity Checks

5. You must ensure that in all communications with claimants or their advocates you are satisfied you are engaging with the correct person
6. 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

Raising a compliance doubt

7. Raising a compliance doubt acts as a tool to encourage participants to actively engage with support offered. Where a participant has failed to comply in a mandated activity, e.g. failing to start a placement, you are required to follow this process.

Actions

- complete a compliance doubt referral providing a copy of the participant's Mandatory Activity Notification and any supporting evidence e.g. participant statement
- continue to engage with the participant in line with your delivery model irrespective of the outcome

Consequence: Where you fail to undertake the above or do not evidence appropriately or in good time, JCP Decision Makers may be unable to make a decision. This could have an impact on your claim for a Completion Fee/Job Outcome if the participant is not actively engaged.

Background

8. Further detail is provided in the Detailed Background and Further Information Section.

Compliance doubt raised

9. When you have made the decision to raise a compliance doubt, you are required to complete form 'Failure To Participate in the CAP' **CAP 7**
10. It is important that there is a clear link between the failure to comply with a mandatory requirement and the sanction imposed in respect of it. Therefore, this form should be completed and sent to JCP as soon as possible after non-compliance by the participant has occurred.
11. A separate compliance doubt should be raised for each period of non-participation.

Actions

- complete form [CAP 7](#)
- print it out and send securely to the Labour Market Decision Making and Appeal (LM DMA) Administration Team. This process will remain until a secure IT solution is developed. For further information about sending documents securely please refer to [Generic Provider Guidance, Chapter 8 – Information Security](#)

Consequence: If you fail to raise a doubt appropriately or in good time, this could have an impact on your claim for a Completion Fee/Job Outcome if the participant is not actively engaged.

Background

12. Further detail is provided in the Detailed Background and Further Information Section.

LM DM notifies provider and participant of the outcome

13. You will receive a notification of the outcome of the compliance doubt.

Actions

- Continue to engage with participant in line with your delivery model irrespective of the outcome

Consequence: Without further support and contact, the participant could become further disengaged. This could have an impact on your claim for a Completion Fee/Job Outcome if the participant is not actively engaged.

Background

14. Further detail is provided in the Detailed Background and Further Information Section.

Detailed Background and Further information**Mandating claimants to undertake activity**

15. In the interests of ensuring legal compliance, when mandating claimants you are required to notify the participant in writing. The information detailed at paragraph 4 must be included.

Please note: the claimant must be mandated to attend:

- the face to face engagement meeting
- the work experience placement

If you require the claimant to attend or participate in any other meeting or activity, you have the flexibility to decide whether to mandate or not.

16. When deciding whether activity is reasonable in a claimant's circumstances you need to consider:
- some claimants will have agreed restrictions on their availability for work with JCP. For example, in some circumstances, participants with caring responsibilities or health conditions may have restrictions on the days or hours for which they are available to work and participate in CAP. These restrictions will be detailed in the participants' referral and must be taken into account when mandating these participants
 - the job seeking requirements for Jobseekers Allowance (JSA). JSA claimants 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 JCP

Raising a compliance doubt

17. Any reasons given by the participant for non-compliance should be recorded as they may have a bearing on any future action that may be undertaken.

Jobseekers Allowance claimants

18. Sanction action can be taken by LM DM against JSA claimants so that their benefit may be reduced or not paid if, without good reason, they fail to participate in the CAP. This could mean a two week, four week or six month benefit sanction for JSA claimants.

Compliance doubt raised

19. When you have identified a compliance doubt you must complete form [CAP 7](#). A separate form must be completed for each occurrence of non-participation.

20. Along with [CAP7](#) you must provide the relevant Mandatory Activity Notification and where applicable, any supporting information.
21. This information should be sent to the Labour Market Decision Making and Appeal (LM DMA) Administration Team on the day the [CAP 7](#) is completed, if that is possible.
22. Delays in this process will mean delays to the decision making process.

Consequence: This could have an impact on your claim for a Completion Fee/Job Outcome if the participant is not actively engaged.

Completing Form 'Failure to Participate in the Community Action Programme' ([CAP 7](#))

23. Detailed information relating to the completion of form [CAP 7](#) is included with the form.

Special Customer Records

24. If the participant is identified as having a Special Customer Record (SCR), the completion of the form remains the same. However, your Nominated Officer should complete the form, ensure that 'SCR claimant' is marked clearly and securely send to the Nominated Officer in the relevant LM DMA Administration Team.

Further information may be found in [Chapter 2 of the Generic Provider Guidance - Delivering DWP Programme Provision](#).

25. All information on SCR claimants whether received from Jobcentre Plus or generated by yourselves must be stored securely at all times. Further information is contained in [Chapter 8 of the Generic Provider Guidance – Information Security](#).

Further information required by LM DM

26. There may be occasions where the LM DM will need to clarify information that you have sent with the compliance doubt. LM DM notifies provider and participant of the outcome
27. When you have received the outcome notification of the compliance doubt, it would be advisable to note it against your participant records. You are required to give the participant opportunity to re-engage. Further information regarding re-engagement can be found in the [CAP Guidance Chapter 7 – Re-engagement and reviewing a sanction](#).