

# Technical factsheet T15 – Work-Focused Interviews

This factsheet explains the Work-Focused Interviews (WFIs) process, who needs to go through them, what are the timings, and other details.

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## General overview

### ■ What is the WFI?

A Work Focussed Interview (WFI) is an interview with a Personal Adviser (PA) at the Jobcentre, which usually lasts about 40 minutes. It is an opportunity for an ESA customer to explore all the options available to them with regard to improving their prospects of moving closer to employment, or training which could lead to employment at a later date.

The PA offers them support during their search for work and also whilst they are in work. All customers, with the exception of those already placed in the SG, credits only customers and male customers, who are over the State Pension Age for women, must attend a WFI after the eighth week of the claim. They must attend the mandatory WFI at this stage unless the interview has been deferred.

### ■ When does the initial interview happen?

ESA customers differ from Income Support (IS) and Jobseeker's Allowance (JSA) customers, as they will not attend a WFI until after the eighth week of their claim. This is known as an Initial WFI.

The customer will be contacted after the sixth week of their claim to arrange this.

### ■ What is the purpose of a WFI?

A WFI is designed to help a customer move closer to the labour market

At the initial interview the PA will explain the procedure and purpose of the interview, and then outline the range of services and opportunities that are available to the customer and help and encourage them to become more independent by moving into or closer to work or training.

During the initial WFI the PA will outline the requirements for the customer to participate in the WFI, they will:

- motivate the customer to see work as a realistic and achievable option
- help the customer move closer to work by identifying job goals
- provide the customer with benefit advice
- identify appropriate help and opportunities, e.g. New Deal
- refer customers to suitable vacancies

- create an action plan that includes details of the customer's short-term and long-term employment goals
- provide ongoing and in work support.

The PA will make sure that the whole interview is very clearly focused on helping the customer move towards suitable work. Please see fact sheet T8 for advice on non-participation in the WFI.

## ■ **How do WFIs affect ESA?**

Attendance at a WFI is mandatory for ESA customers unless they have already been placed in the SG, receive credits only or are a male customer over the State Pension Age for women. Failure to attend or participate in a WFI without good cause could attract a reduction in the customer's ESA.

## ■ **What are the responsibilities of the customer in a WFI?**

When a customer is invited to an initial WFI, the personal adviser will make them aware of their responsibilities within the interview. The customer should answer a set of factual questions to show participation.

For example, if a customer refuses to speak or listen to the personal adviser during an interview, their behaviour could attract a sanction or penalty.

Initially, at the WFI, the PA will explain to the customer the following:

- the expected length of the WFI
- details regarding customer confidentiality and the Data Protection Act
- check the customer's understanding of the interview and
- give the customer an opportunity to ask any questions or raise any concerns.

## Process

### ■ What is an Action Plan?

Action plans are mandatory for ESA customers who attend a WFI. The plan will include details of the short-term and long-term goals that the customer has agreed to set towards obtaining or moving closer to employment. The steps to take should be SMART (Specific, Measurable, Achievable, Realistic and Time Bound).

As the plan is formed from ideas generated by the customer and records their progress, it can provide clear motivation towards achieving their work-focused goals.

The action plan should address at least one of the personal circumstances that may be preventing the customer from returning to the labour market. Once the action plan is completed a copy should be issued to the customer and to the provider with the customer's consent.

### ■ What areas are covered in order to prepare the Action Plan?

To create an action plan for the customer the PA may discuss the following:

- any educational qualifications the customer has achieved
- their employment history
- the skills and knowledge the customer has gained through employment
- any vocational training they may have undertaken
- whether the customer has any caring or childcare responsibilities and
- health condition/capabilities.

### ■ Can a WFI be deferred?

In exceptional circumstances a PA may decide to defer the WFI.

If during a discussion with the customer, the Diary Administrative Support Officer (DASO) establishes doubt about the customer's ability to attend and participate in a WFI, they will refer the customer to the PA who may then consider deferring the WFI.

However, if a deferral is not appropriate, the PA will request the DASO to contact the customer to arrange a WFI. A WFI can be deferred to a later date, but not indefinitely.

If a customer's interview is deferred, this will be short term. If the customer is in the WRAG they must attend all of the 6 WFIs. Other WFIs will be conducted at various trigger points during the life of their claim to ESA.

## ■ What will happen if a customer fails to attend a WFI?

Should a customer fail to attend an arranged WFI, consideration should be given to whether they have shown good cause in their explanation before taking any further action. If a customer can demonstrate that they had good cause, their initial or subsequent WFI will be rebooked.

The good cause determination is made by a Benefits Delivery Expert (BDE) in the Benefit Delivery Centre (BDC). If good cause is not accepted the case will be referred to the Benefits Delivery Officer (BDO) to apply a sanction.

The customer may appeal against the decision, which may result in reconsideration by a different BDE.

The BDE may revise the original outcome decision and determine that good cause was shown. The BDO will then be advised to remove the sanction.

### **Example 1**

Lucy has an initial Work Focussed Interview (WFI) booked with a personal adviser.

Lucy received a phone call from the Jobcentre Plus Office to remind her of her meeting at their office in two days. As she had already received payment of ESA she decided not to go and stayed at home.

Because she didn't turn up, Lucy was sent a letter asking why she did not attend, which had to be returned in five days.

Lucy sent back the letter telling them that she had forgotten and would definitely attend the next one. She asked them not to stop her money.

Good cause is in doubt. The client will be notified and there will be a referral to BDE (DMA) which will consider if a sanction is made.

## ■ Will customers be visited through the process?

Core visits are to support customers who have a mental health condition or learning difficulties. They are also carried out where there has been no verbal contact with the customer and therefore the customer may not be aware of the WFI process and consequences of non-attendance.

These visits are carried out to enable evidence of good cause to be gathered when a customer has failed to attend a WFI. It is also an opportunity to explain the process to the customer. The officer carrying out the visit will also, where possible, rebook the WFI with the customer. They will not make any decision on good cause.

After the visit the officer will notify the personal adviser of the outcome. The personal adviser will refer the case to the BDE (DMA) for a good cause decision.

## ■ How many WFIs does a customer need to attend?

As previously stated, a customer who is not in the SG will have their initial WFI with the Jobcentre Plus PA after the eighth week of claiming ESA.

In some districts the customer will then be referred to a provider (external partner) for a further five WFIs. These five WFIs will usually take place each month, although there is flexibility around this. If the customer remains on ESA there will be other trigger points to consider further interviews. For example:

- repeat WCA may result in one additional WFI
- customer has not taken part in a WFI in the preceding 36 months
- customer starts or ends permitted work
- customer starts or ends training or
- Carer's Allowance ceases.

## ■ What are the possible outcomes of WFIs?

There are a number of possible outcomes as a result of a productive WFI. Primarily:

- one or more referrals to a suitable vacancy
- a referral to appropriate training which would enable the customer to progress towards employment
- a boost in the customer's confidence and motivation helping them focus on activities which will support them in progressing towards work or training with the support of an adviser and/or
- a referral to a Pathways to Work Provider.

## Sanctions and the Work-Focused Interview (WFI)

### ■ What is a sanction?

A sanction is a penalty imposed on a customer's award of ESA when they have Failed to Attend (FTA) or Failed to Participate (FTP) in either a Work Focused Health Related Assessment (WFHRA) or a Work-Focused Interview (WFI) without good cause.

A Work Focused Action Plan will be drawn up and agreed by both the customer and Personal Adviser (PA). This agreement is reached during the Work-Focused Interview (WFI). Failure to assist in this process may result in the customer being sanctioned for failure to participate (FTP).

A WFI sanction is a reduction in benefits that remains in force until such a time as the:

- customer takes part in a WF
- decision to apply a sanction is overturned
- customer reaches the equivalent of state pension age, or customer's entitlement to benefit ceases
- customer is no longer required to take part in the process (for example, they move into the Support Group).

### ■ Why is it appropriate for the Work-Focused Interview to take place after the eight week of the benefit award?

The first WFI will take place in the ninth week of the ESA award, or as soon as possible thereafter, and before week 14 of the customer's ESA award.

By conducting the WFI from at least week nine it will:

- avoid any unnecessary interviews for those customers who recover quickly and return back to work or job search
- allow the claim to ESA to be fully processed before the interview so that the customer is better able to focus on work, and
- provide a chance for a customer's health to stabilise, making it easier for them to focus on possible work options.

## ■ What happens if a customer fails to attend the initial Work-Focused Interview or a subsequent interview?

If the customer Fails to Attend (FTA) a WFI they will be issued with a letter which informs them that they have 5 working days to show good cause for non-attendance.

In these cases the WFI will be rebooked on return of the outcome decision.

Where contact is made, the Personal Adviser (PA) must remind the customer about the importance of attending the interview and the effect the failure to attend may have on their benefit.

If the customer makes contact and does not show good cause then the benefit payment will be sanctioned even if the WFI is re-booked.

The sanction will be imposed until they attend the re-booked WFI.

However, if the WFI is rebooked and attended before the sanction is imposed in week 13, then the sanction would be lifted before it comes in to effect.

This does not apply to customers with known mental health issues or learning difficulties, these cases will be referred for a visit, but may still be sanctioned subsequently.

### Example 2

1. Mr Chavez is contacted and reminded of his WFI appointment. This is done two days prior to his appointment date. Mr Chavez fails to attend the appointment.
2. A letter is issued to Mr Chavez asking for his reason for failing to attend. Mr Chavez has five working days to return the letter.
3. Mr Chavez replies to the letter stating that he had been rushed into hospital and therefore could not attend, but will attend the next one.
4. Good Cause is considered and accepted. A letter to Mr Chavez is issued with a new appointment date.

## ■ What happens if a customer does not show good cause for failing to attend?

Where it has been determined that a customer has failed to attend a WFI without good cause then the amount of ESA payable to the customer will be reduced:

- by 50% of the amount of the work related activity component in each of the first four benefit weeks
- by 100% of the amount of the work related activity component in each subsequent benefit week.

The Work Related element of ESA is only payable from week 14 of a customer's claim. Therefore, a sanction can only be applied from week 14 of an ESA claim.

Whether the customer does or does not show Good Cause, they will still have to attend and participate in whichever WFI they failed to attend.

### Example 3

The following situation illustrates the action taken by Jobcentre Plus in a failure to attend case and the possible response from the customer.

- **Fails to attend the WFI** – The customer is due to attend a WFI on 1 June 2009 but fails to attend. The benefits delivery expert determines that the customer does not have Good Cause for failing to attend.
- **ESA reduction** – The Benefits Delivery Officer makes a decision to reduce the amount of ESA. This is done in the first Benefit Week following the decision, which is 1 July 2009.
- **Sanction amount** – The Benefits Delivery Officer (BDO) applies a sanction to the award. The customer's ESA is reduced by 50% of the amount of the work related activity component for four weeks.
- **Further allowance reduction** – The customer's allowance is reduced by 100% of the amount of the work related activity component. This will be effective from 29 July 2009. This remains in force until the customer participates in the WFI process.

## ■ What happens if the customer fails to participate in an initial or subsequent work-focused interview?

Participation in a work-focused interview means that during the course of the interview, the customer answers certain factual questions regarding issues such as:

- their educational qualifications and vocational training
- their work history
- their aspirations for future work
- their skills that are relevant to work
- their work-related abilities
- their caring or childcare responsibilities
- any paid or unpaid work that the customer is undertaking.

The answers to these questions form part of the mandatory Work Focused Action Plan, which is completed during the initial WFI and reviewed at each subsequent repeat WFI.

The Action Plan is a record of the WFI and establishes basic information about the customer's ability to improve their prospects of employment by checking specific areas such as skills, previous employment and circumstances that may impact on work.

Where the customer refuses to supply answers to these questions, they might be classed as failing to engage or participate (FTP) in the WFI.

If the customer is classed as failing to participate, they must show good cause for not doing so.

### ■ What happens if a customer does not show good cause for failing to participate?

Where the customer fails to make contact within the required time limits or does not show good cause for failure to participate (FTP) then appropriate action must be taken.

The action to take for failing to participate is the same as the action for failing to attend a work-focused interview, i.e. from week 14 there will be a reduction by 50% of the amount of the work related activity component in each of the first four benefit weeks and by 100% of the amount of the work related activity component in each subsequent benefit week.

The effective date is the first day of the benefit week commencing after the date of the decision.

#### **Example 4**

1. Mr Lee is contacted on 2 January 2009 to remind him of his WFI appointment.
2. Mr Lee attends the appointment but fails to engage and participate.
3. He is sent a letter asking for reasons for failing to participate in the WFI. As Mr Lee **does not** respond to the notification, the Benefits Delivery Expert considers the customer's limited capability to work, any known mental health issues or learning difficulties, and decides that a Core Visit Team should visit Mr Lee before sanctions are applied.
4. A notification of this visit is sent to Mr Lee.
5. Mr Lee is visited by the Core Visit Team where he will be asked the reasons for his failure to participate. The team will also inform him of the possible sanction position.
6. Mr Lee **fails** to provide Good Cause for not participating.
7. It is decided that a sanction is appropriate.

#### **Disclaimer**

This factsheet is only a guide and does not cover every circumstance. We have done our best to make sure that the information in this leaflet is correct as of December 2008. It is possible that some of the information is over simplified, or may become inaccurate over time, for example because of changes to the law. Names in the examples have been used for illustrative purposes only. The rates mentioned in these factsheets are applicable to December 2008 and may change thereafter.