

Factsheet B29: Sanctions

If you are currently receiving Jobseeker's Allowance, Employment and Support Allowance (in the Work Related Activity Group) or Universal Credit, you may be asked to sign a document which lists all the things you agree to do in exchange for receiving your benefit. This is known as a Claimant Commitment. It can include the requirement to attend Work Focussed Interviews or do activities as part of the Work and Health Programme. Please see our other Factsheets that give you more information about Employment and Support Allowance, on Employment and Support Allowance and the Work Related Activity Group, and on Universal Credit.

Why you might have your benefits sanctioned

If you fail to complete any steps that are agreed as part of your Claimant Commitment, you run the risk of having your benefit reduced, or 'sanctioned'.

It is the Department of Work and Pensions who make decisions about sanctions, although another company Shaw Trust runs the Work and Health Programme on behalf of the Department of Work and Pensions, which means you may have to complete some tasks that they will supervise. If you don't complete those tasks, the company will report to the Department of Work and Pensions who will consider whether you should have your benefit sanctioned.

Someone from the Department of Work and Pensions called a 'decision-maker' may sanction your benefit (by 50% of your personal allowance for the first 4 weeks, and 100% after that).



What you can do about this

You can challenge these decisions. Guidance for decision-makers suggests they should look at whether any reasonable person would act in the way that you have. You need to ask the Department of Work and Pensions to reconsider their decision, and provide them with your good reason (or 'good cause') within 5 working days. If they won't change their mind and have given you a final Mandatory Reconsideration Notice, you can appeal. Please see our other Factsheet on Reconsiderations and Appeals.

You can ask them to reconsider their decision by telephone, but it is important to make a note of who you speak to, as well as date and time. Ask for a transcript (a written note of your conversation). If you would find it difficult to deal with them over the telephone, ask them to reconsider by letter and ask them to reply in writing.

If your reason is health-related, you would need to provide medical evidence. If you say that you have not received notification of an appointment, you would need to show that there was a problem with your postal delivery or some other good reason for this, as it is assumed that post that has been sent has definitely been delivered.

These are examples of what might be accepted as good cause:

- Problems with physical or mental health
- Unforeseen circumstances such as an important appointment that could not be rearranged, or a funeral of a relative, or difficulties with caring responsibilities
- Misunderstandings due to language, literacy or learning difficulties



Going to Work Focussed Interviews

You will be excused from attending Work Focussed Interviews if you have a child under 1. People who have other caring responsibilities may also be excused and asked to attend at a later date. The Interview can take place at your home if travelling elsewhere would cause serious inconvenience or endanger your health.

If attending an Interview seems impossible for you at the present time due to health or other problems, you need to have a discussion with the Jobcentre to see if they will delay or defer it. They can delay this requirement, but not for more than 90 days.

Jobseeker's Allowance

If you are on Jobseeker's Allowance they will focus on what steps you should be taking to find work now. The Department of Work and Pensions has said that looking for work should be a full-time job. If you are on Employment and Support Allowance, they will consider what help you might need to eventually get back to work; this can include offering some types of therapy, short training courses, or looking at self-employment possibilities. See below for more details.

You may need to tell them about your qualifications, your work history, your child-caring responsibilities, and be willing to talk about what work you hope to do in the future. They need to know about any paid or unpaid work that you are already doing.



Employment and Support Allowance

If you are on Employment and Support Allowance (in the Work Related Activity Group) you will not be expected to complete any work related activity if you have child-caring responsibilities for a child under 5 or caring responsibilities, but you will be expected to attend an Interview.

The requirement to do any Work-Related Activity must be reasonable, taking into account your circumstances. If you take part in this, you cannot be asked to apply for any jobs or do any work, or undergo any medical treatment. If you have child-caring responsibilities for a child under 13, you cannot be asked to do any Work-Related Activity outside of normal school hours.

You should never be asked to do anything that would be detrimental to your physical or mental health. Everything should be tailored to you as an individual. If you think you are being asked to do something that is too hard, even if you agreed to it in the first place, you can always ask the Department of Work and Pensions to reconsider it, but you have no right to appeal their decision once they have done this.

You can expect that they will listen to your opinions about how your physical or mental condition will affect your ability to obtain work or attend interviews or training, and that they will provide the reasonable support you need.

Make sure you carry on signing on or sending in your medical certificates.



Universal Credit

The same rules apply if you are on Universal Credit, depending on whether you are considered fit for work (in which case the rules mentioned above under Jobseeker's Allowance apply) or you are signed off as not fit for work (in which case look at the rules mentioned above under Employment & Support Allowance).

Hardship Payments

You need to request an application form from the Jobcentre. Not everyone will be eligible, even if benefits have been sanctioned. These are paid where someone can show they are vulnerable because they have no other resources to fall back on, and it would cause detriment to their family or cause health problems. The Jobcentre may also refer you to your local Foodbank.

Impact of sanctions on other benefits

If you are also getting Housing Benefit or a Council Tax reduction, you need to inform the local authority as soon as possible, and make sure they know what your current income is.

If you require further information or would like this Factsheet in an alternative format you can contact us by calling: 01508 491210, by emailing: info@equallives.org.uk, or by writing to: Equal Lives, 15 Manor Farm Barns, Fox Road, Framingham Pigot, Norfolk, NR14 7PZ.

