Work & Health Programme Regulations
Supporting slides for the Secondary Legislation Scrutiny Committee

Tuesday 14th November 2017
Purpose of the Work & Health Programme

• The Work and Health Programme (‘WHP’) is a targeted programme offering individualised support to the following specific customer groups:
  – A person with a disability, as defined in the Equality Act 2010, who can volunteer to join the programme at any time;
  – Early Access Disadvantaged Groups; and
  – Long Term Unemployed (LTU) – these will be claimants in the intensive work search regime in Universal Credit (‘UC’) or Jobseekers Allowance (‘JSA’) claimants who have not moved into employment within 24 months of their claim.
Estimated Programme Volumes

<table>
<thead>
<tr>
<th>Cohort</th>
<th>17/18</th>
<th>18/19</th>
<th>19/20</th>
<th>20/21</th>
<th>21/22</th>
<th>22/23*</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>LTU</td>
<td>0</td>
<td>2,500</td>
<td>5,500</td>
<td>8,000</td>
<td>8,000</td>
<td>4,500</td>
<td>28,500</td>
</tr>
<tr>
<td>Disability</td>
<td>13,000</td>
<td>43,500</td>
<td>42,000</td>
<td>40,500</td>
<td>36,000</td>
<td>21,000</td>
<td>196,000</td>
</tr>
<tr>
<td>Early Entry</td>
<td>1,000</td>
<td>4,500</td>
<td>4,500</td>
<td>4,500</td>
<td>4,500</td>
<td>2,500</td>
<td>21,500</td>
</tr>
<tr>
<td>Total</td>
<td>14,000</td>
<td>50,500</td>
<td>51,500</td>
<td>53,000</td>
<td>48,500</td>
<td>28,500</td>
<td>246,000</td>
</tr>
</tbody>
</table>

* 7 months of places

- Of the LTU, the regulatory changes only apply to income-based JSA claimants who comprise less than 10% (2,800) of the total LTU cohort, over the duration of the programme.
- Volumes of LTU ramp up in years 2 to 4 during which time the proportion of JSA starters diminishes against the rising volume of UC claimants.

**Please note:** these are current estimated volumes and are subject to change depending on the volumes/unit costs proposed by London and Manchester.
Managing Programme Volumes

• When considering the appropriate size of the Work and Health Programme (WHP) we looked at referral levels for current programmes, including voluntary places on Work Choice and disabled people taking part in the Work Programme. Although not directly comparable, this suggested the projected WHP volumes are not substantially different from referral volumes of disabled people on preceding programmes.

• The DWP estimates, based on these assumptions and potential eligibility and take-up within relevant groups of JSA and ESA claimants, suggest that there should be sufficient numbers to fill the available voluntary places, but being estimates these are inevitably not guaranteed.

• Learning from previous programmes, we have introduced a new referral tool to support the referral process to the Work and Health Programme. This enables us to have a much more immediate understanding of the numbers of people being referred, so action can be taken if referrals are not matching projected estimates.
Managing Programme Volumes

• If referrals to the programme fall below our expectations, then there are a range of actions that can be considered to maximise the number of people joining the programme. This could include offering some people earlier access to the programme, should they need help sooner and considering increased referrals from external organisations who are supporting eligible people.

• It should be noted that several activities that mitigate a risk of low volumes have already been completed, including ensuring Work Choice referral cessation has been aligned with operational go-live of the Work and Health Programme.

• Take-up of places for the Work and Health Programme will be closely monitored to ensure that we can maximise the number of people supported through it. This includes a volumes assurance process involving regular discussions with key stakeholders to assess WHP volumes, investigate issues and escalate where appropriate.
Purpose of the Regulatory Amendments

• The proposed amendments affect only 1-1.5% of participants; the 24 months LTU claiming income-based JSA (being replaced by UC)
• Sufficient powers are already in place for UC LTU claimants and no amendments are required for voluntary participants whose engagement will be managed through the existing benefit regime
• The draft Regulations amend the current Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013 to add the WHP to the list of employment schemes in which participation can be mandatory
• This means the Secretary of State for Work and Pensions can require JSA claimants who are LTU and selected under regulation 4 of the 2013 regulations, to participate in WHP
• The regulations also mean that a claimant, who fails without good reason to comply with such a requirement to participate, can be liable to a benefit sanction i.e. the reduction or loss of JSA for a period of several weeks.
LTU Cohort Claimant Journey

• LTU is defined as a claimant who is:
  – unemployed for 24 months; and
  – within the intensive work search regime of the all work-related requirements group in UC, or JSA equivalent claimants.

• Claimants will be considered for referral by their Work Coach under the following criteria:
  – Long-term unemployed claimants within the intensive work search regime of the all work-related requirements group in UC; and
  – JSA equivalent claimants when they reach 24 months in the all work related requirements group. The regulatory amendments only apply to this group.
End To End - WHP Customer Journey

Customer Touch Points – LTU participant

1. I receive benefit; my ability to find and stay in work is limited because of my time away from work.
2. I receive a phone call inviting me to an Interview with my Work Coach.
3. I attend an interview with my Work Coach; we discuss my barriers to finding and staying in work. My Work Coach helps me to use Internet Job Sites and tells me about sources of support including the Work and Health Programme.
4. My Work Coach keeps in touch, advising me about potential opportunities and providing feedback.
5. I receive an appointment to see my Work Coach; we discuss the Work & Health programme. My Work Coach refers me to the provider so I can talk to them about how they can help me.
6. I attend the WHP; the provider helps me search for suitable work.
7. I keep in touch with JCP during my time on the programme.
8. I notify Changes of Circumstances to JCP/the Provider.
9. I am supported back into sustainable employment.
10. The WHP provider keeps in touch to help me to stay in work.

Business Process

Work Coach confirms LTU status and eligibility for WHP.
- Work Coach checks participant does not meet deferral or exemption criteria:
  - Participants go through the selection tool for random allocation.
  - Work Coach is informed of the selection tool outcome.
- Once agreed, the Work Coach refers the participant to the WHP on the relevant IT system or clerical form. The participant details are sent to the Programme Provider via Appropriate IT System.
- When the participant starts the WHP, the Provider ‘attaches’ via Appropriate IT System.
- The participant may report a change of circumstances to either JCP or the Provider.
  - JCP and the provider share relevant information about the participant.
- WHP Provider ensure the participant remains fully engaged in the programme and the activities that will help towards work.
- Outcome 1. The participant moves into work and notifies the JCP & Provider. Appropriate action is taken to amend/close the claim.
- Outcome 2. The participant has not commenced work after 15 months on the WHP. They return to JCP. Exit Report supplied by the Provider on request, which details all activity undertaken during WHP participation.
- Outcome 3. Participant is not in work and moves to Scotland. The provider continues to support the participant. The participant becomes a voluntary participant whilst they are in Scotland.
I start the Work & Health Programme

I actively participate in the Work & Health Programme

I fail to participate in the Work & Health Programme

I have a change of circumstances

I fail to take up the offer of employment

I may not be available or actively seeking work

Decision Maker / Work Coach

- Notify relevant change of circs and easements, inc Vulnerable status to Provider
- Keep in touch with participant as per relevant benefit guidance
- Benefit Decision (Sanctions)
- Re-engages with participant

Systems / Tools / Functions

Data Sharing
- Unencrypted email

Appropriate IT System
- MI for Compliance Monitoring
- MI for Monitoring
- Data Sharing
- Action Planning
- Minimum service offer
- Notify agreed change of circs to JCP

Provider

- Identity checks of the participant.
- Identify additional Barriers to work.
- Attached participant via Appropriate IT System
- Advises participant to notify JCP of CoCs e.g. Permitted Work
- Engages with participant to ensure they remain actively engaged in the programme (including mandated activities)
- Provides JCP with information about activities and progress whilst on the programme where participant completes the Programme without finding work
- Raises Good Reason Queries with DM
Approach to sanctions in WHP

- Mirrors the approach in Work Programme however is only likely to impact a small proportion of the WHP client group (LTU mandatory participants who fail to comply with requirements)
- The regulations mean that an LTU mandatory participant who fails without good reason to comply with such a requirement to participate, can be liable to a lower level benefit sanction i.e. the reduction or loss of JSA for a period of several weeks.
- In addition, the accompanying Designation Order means that a higher level sanction can be imposed under s.19 of the Jobseekers Act 1995, where a claimant without good reason refuses to apply for or accept a vacancy if offered one.
- There is no intention to allow providers to impose sanctions directly. Providers will always need to refer WHP participants back to a DWP decision-maker for consideration of sanction doubt.
Effectiveness of sanctions

- Sanctions are an important part of a fair and effective welfare system.
- It is right that there is a system in place to encourage claimants to do everything they can to prepare for or find work.
- Sanctions encourage claimants to comply with reasonable requirements, developed and agreed by them based on their individual circumstances, which in turn help them move into/prepare for work.
- Evidence shows that sanctions have a positive impact on behaviour. Over 70% JSA and 60% ESA recipients say that sanctions make it more likely they comply with reasonable and agreed requirements.
- Each month on average more than 97% of Jobseeker’s Allowance (JSA) claimants and more than 99% of Employment and Support Allowance (ESA) claimants comply with the reasonable requirements agreed by them.
Voluntary Cohort Customer Journey (Disabled People and Early Entrants)

Disabled people can be referred at an appropriate time in their claim on a targeted voluntary basis, when all of the following criteria are met:

- they have a disability as defined under the Equality Act 2010;
- the individual can be helped by the offer;
- that JCP has already helped the individual with their core job-search activity where applicable;
- the claimant needs more support than can be provided within the standard JCP offer (or through other available services and provision); and
- the claimant has committed to the goal of finding employment within a period of one year.
Voluntary Cohort Customer Journey (Disabled people and Early Entrants) (2)

• ‘Early entrants’ will be able to access the WHP on a targeted voluntary basis (the same basis as the disability group) at the discretion of the Work Coach, before they have been unemployed for 24 months. This takes into account the needs of claimant groups who have specific additional barriers to employment.

• The early entry groups identified are:
  • an ex-offender or offender;
  • a carer on JSA;
  • an ex-carer;
  • a homeless person;
  • a former member of HM Armed Forces;
  • a member of the HM Armed Forces reserves;
  • a partner of current or former HM Armed Forces personnel;
  • a person with drug/alcohol dependency presenting barrier to employment;
  • a care leaver;
  • a refugee;
  • victims of domestic violence; and
  • young people in gangs
Customer Touch Points – Voluntary Participant

1. I receive benefit; my ability to find and stay in work is limited because of my disability.

2. I receive a phone call inviting me to an interview with my Work Coach.

3. I have a conversation with my Work Coach; we discuss my barriers to finding and staying in work including the impact of my disability. My Work Coach shows me how to use Internet Job Sites and tells me about sources of support including the Work and Health Programme.

4. My Work Coach keeps in touch, advising me about potential opportunities and providing feedback.

5. I receive an appointment to see my Work Coach; we discuss the Work & Health programme.

6. My Work Coach contacts me to confirm I still wish to attend, then my Work Coach refers me to the provider.

7. The Work and Health programme provider contacts me to hold an initial WHP discussion and arrange an initial appointment.

8. I attend the WHP; the provider supports me in the search for suitable work taking into account my disability condition.

9. I keep in touch with JCP during my time on the programme.

10. I notify Changes of Circumstances to JCP, the Provider.

11. I am supported back into sustainable employment.

12. The WHP provider keeps in touch to help me to stay in work.

Business Process

Work Coach:
- determines participant’s Eligibility for WHP
- discusses WHP with the claimant
- Gatekeeper Function:
- Manages the profiled volumes for ESA WRAG, LEPS, Local health priorities & ERSA
- Participants taking into account Random Control Group and drop out rates
- Once agreed, Work Coach refers the participant to the WHP on the relevant IT system or clerical form. The participant details are sent to the Programme Provider via Appropriate IT System. Provider contacts the participant to hold an initial WHP discussion and arrange an initial interview
- When the participant starts the WHP, the Provider 'attaches' via Appropriate IT System - warm handover between JCP, participant and Provider.
- The participant may report a change of circumstances to JCP.
- The participant may report a change of circumstances to the provider.
- WHP Provider ensures the participant remains fully engaged in the programme and the activities that will help towards work.
- JCP and the provider share relevant information about the participant.

Outcome 1.
- The participant moves into work and notifies the JCP & Provider. Appropriate action is taken to amend/close the claim.

Outcome 2.
- The participant stops engaging with WHP.
- Providers confirms cessation with JCP and records on Appropriate IT System.
- If the participant is still on benefit, they return to JCP.
- Exit Report supplied by the Provider on request, which details all activity undertaken during WHP participation.

Outcome 3.
- The participant has not commenced work after 15 months on the WHP. They return to JCP.
- Exit Report supplied by the Provider on request, which details all activity undertaken during WHP participation.

Restricted: Official
On Programme - WHP Customer Journey

Customer Touch Points – Voluntary Participant (inc ESA WRAG)

1. I agree to participate in the WHP and create a plan of activity support with the Provider
2. I attend the WHP; the provider helps me search for suitable work
3. I attend the WHP; the provider supports me in the search for suitable work taking into account my disability condition
4. I notify Changes of Circumstances to JCP / the Provider
5. I keep in touch with JCP during my time on the programme
6. I exit the WHP

Work Coach / DWP

Participant has not been selected into the Random Control Group or Public Sector Comparator where this applies

- Notify Easements to Provider
- Notify relevant change of circs, inc Vulnerable status / Change to Conditionality to Provider
- Keep in touch with participant as per relevant benefit guidance

Keep in View
DEA Role may impact the selection of participants onto WHP

Systems / Tools / Functions

Data Sharing
- Unencrypted Email

Appropriate IT System –
- MI for Compliance Monitoring

Provider

- Disability Offer
- Minimum service offer
- Notify agreed change of circs to JCP
- Data Sharing
- Advises participant to notify JCP of CoCs e.g. Permitted Work
- Engages with participant to ensure they remain actively engaged in the programme
- Provides JCP with information about activities and progress whilst on the programme where participant completes the Programme without finding work

Department for Work and Pensions
**Participant Exits- WHP Customer Journey**

**Participant Completes 15 months or Gains Work**

1. **I take up an offer of employment**
2. **I notify the Jobcentre that I have started work**
3. **The provider continues to support me whilst I am in work (for set time)**
4. **I have completed 15 months on the WHP.**
5. **I receive an invitation from my work coach and I am supported by the JCP offer.**
6. **I continue to receive benefit and the Work Coach continues to help me address my barriers to work.**

**Decision Maker / Work Coach**
- Re-engages with participant
- Considers JCP Offer
- Considers Enhanced JCP Offer?
- Considers other more appropriate support

**Systems / Tools / Functions**
- JCP and provider have up to date information about participant

**Data Sharing**
- JCP and provider have up to date information about participant
- Engagement rates inform the ‘quality of referrals’.

**Gatekeeper process**
- Engagement rates inform the ‘quality of referrals’.

**Appropriate IT System –**
- No Appropriate IT System

**Provider**
- Checks circumstances
- Contacts participant
- Steps/action taken to maintain engagement with participant
- Considers termination discussion
- Provides Exit Report if requested
Voluntary Customer Exits WHP Early

• If a voluntary participant disengages from the WHP, a Work Coach can require them to attend a Work Focussed Interview (WFI)* as part of the normal customer journey relevant to their benefit. Providers will have no power to mandate the voluntary cohort to either meetings or activities.

• The WFI with the JCP Work Coach will be tailored to the individual’s circumstances, include a review of their participation and progress on the WHP, with the objective of either:
  – Re-engaging the claimant with the provider so they can better support the claimant’s needs; or
  – Considering alternative solutions to the claimant’s needs e.g. returning them to the care and support of JCP or referral to alternative support.

• It is intended that both the initial WFI pre-referral to provision and the subsequent WFI addressing disengagement from the WHP are covered by powers already set out in existing benefit regulations.
Participant Exits - WHP Customer Journey

Participant drops out – Voluntary only (inc ESA WRAG)

1. I have STOPPED engaging with provider and no longer on the WHP.

2. I have a change of circumstances, move CPA etc

3. I receive an invitation to a mandatory meeting with my work coach to discuss my options including possible re-engagement with the WHP provider

4. I disengage with the programme, I will still remain on provision.

5. I discuss with provider and agree that WHP is not appropriate support.

6. I am able to re-engage with the provider at any point during the 15 months job finding support with the provider.

7. Provider and myself agree other support more appropriate – I leave the Programme

8. I re-engage with the programme and continue with my action plan

9. At the end of 15 months, my Work Coach contacts me continue to receive benefit and the Work Coach continues to help me address my barriers to work

**Decision Maker / Work Coach**

- Re-engages with participant through mandatory interview
- Considers if action appropriate (conditionality)

**Systems / Tools / Functions**

- Data Sharing
  - JCP and provider have up to date information about participant

- Gatekeeper process
  - Engagement rates inform the ‘quality of referrals’.

- Appropriate IT System –
  - participant has disengaged with programme
  - No Appropriate IT System intel

**Provider**

- Checks circumstances
- Contacts participant
- Refers to mandatory JCP interview
- Considers re-engagement discussion with participant

- Steps/action taken to maintain engagement/re-engage with participant
- Notifies JCP Participant dis-engaged / Provision has ended and provides an Interim report/ Exit Report if requested
Accompanying Designation Orders

- DWP is also creating two Designation Orders:

- One Designation Order is required to designate providers’ employees as ‘employment officers’ so that they can mandate claimants to apply for jobs and take up job offers. This is needed if a ‘higher level’ sanction is to be imposed under s.19 of the Jobseekers Act 1995, where a claimant without good reason refuses to apply for or accept a vacancy if offered one. Section 35 of the Jobseekers Act 1995 provides that the Secretary of State may make an order to designate an employment officer. This is due to be made when contracts have been signed in all Contract Package Areas.

- A Designation Order was made on 28 September 2017 to provide ‘relevant authority’ status under s.72(2) of the Welfare Reform and Pensions Act 1999 (for the purpose of the WHP) to Greater Manchester Combined Authority (GMCA) to allow data to be shared between GMCA and its Providers. S.72(2)(b) provides for an order making power to designate a person to supply data in accordance with the provisions of s72.
Equality Assessment & Family Test

• A full impact assessment of the regulations has not been produced since they have no impact on the private sector or civil society organisations.

• The Department has carried out an Equality Assessment of the WHP as a whole to enable Ministers to fulfil the requirements placed on them by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010.

• The Department has also considered the impact of the proposals on families, in accordance with the Family Test.

• This document is wider than the scope of regulations and covers the whole programme.
Illustrative customer journey - Andy

- Andy has been unemployed for 21 months and has been received support from his Work Coach, Clare.
- Andy previously worked in warehousing (picking and packing) but is struggling to compete for the jobs that are available. He has gone for a number of interviews, and received support on his interview style but is struggling to secure work.
- At his most recent meeting with Clare, she identifies that Andy is eligible to go on the Work and Health Programme and explains that the provider will be able to take a fresh look at helping him with his job search. They both discuss his aims and ambitions for the programme and she updates Andy’s Claimant Commitment to reflect that he’s going to start on the programme.
- Two days after being referred, Andy is invited to a meeting with Tony from Workstar (his Work and Health Programme provider). During an initial meeting, Tony and Andy spend two hours exploring Andy’s job goals, ambitions and motivations and discuss why Andy still feels he is unemployed. They set an initial action plan and agree to meet again the following Monday to have a more in-depth session.
- Before meeting, Tony speaks to one of his employer contacts in a Sorting Centre to better understand what the modern roles require, identifying that digital skills are now an important priority.
- In Andy and Tony’s next meeting, they explore Andy’s barriers to work in more detail. Tony identifies that Andy lacks digital skills and this may be limiting his prospects. He also learns that Andy is in financial difficulty and feeling anxious about his future.
- Andy agrees to take up a place on a local digital skills course to build his knowledge. Motivated by the discussion he also seeks financial help from a local charity which Tony recommended.
- During the time on his skills course, Andy joins a number of group sessions run by Workstar providing peer support and redraws his CV and does some mock interviews.
- After the training, Tony organises for Andy to consolidate his new skills by spending a day at a local employer. Andy impresses the employer, Pack-it, so much that he is offered a three month contract.
- Andy and Tony continue to meet regularly after work to review his progress and Tony builds Andy’s confidence so that he speaks with his employer about a permanent role. This goes well and Andy is offered a permanent job with the company.
Illustrative customer journey – Rita

- Rita has been unemployed for 8 months. She left her last job in catering after suffering severe depression following the loss of a close family member last year.
- Rita has been under the care of her doctor and is receiving medication to help with her depression which is helping her manage her symptoms.
- John, Rita’s Work Coach has seen Rita on a few occasions and recognises that Rita wants to get back to work but is anxious and nervous about how this would affect her. They discuss talking up a voluntary opportunity to join the Work and Health programme which would be able to help her more with managing her health condition and could explore work opportunities. Rita thinks this could be helpful, after John reassures her that her joining is voluntary.
- The following week, Rita meets with Peta from her Work and Health Programme. They discuss, at length, the issues that Rita has faced and explore her aspirations and goals and what she’d like to achieve. Rita explains she is worried that returning to work could overwhelm her and cause further health concerns.
- Peta reassures Rita by saying that they can work slowly through these issues and that they’ll meet on a weekly basis to check how she’s going. They both also agree that it would be useful for Rita to speak to a bereavement counsellor to discuss her situation and what she has experienced. Peta arranges this and sets up a first discussion.
- In the meantime, Rita is put in contact with another person who has gone through the Work and Health programme who has a similar experience and now found work. They meet regularly as this is helping to build Rita’s confidence. Rita finds out that her friend/mentor benefited from a three day confidence building course and approaches Peta. Agreeing that this support will help, Peta arranges a place on the course and funds this.
- Following the course, Rita meets Peta to talk about work opportunities. They agree that a part time job would be a useful way to step back into the labour market and Rita starts applying for work.
- As a result of the support, Rita secures a part time, 20 hour a week job with a catering company in a local fitness and wellbeing centre. Over the next 4 months Rita flourishes in work and meets regularly with her friend and mentor and Peta.