

# Claimants - know your rights on sanctions

## WHAT TO DO IF YOU HAVE BEEN SANCTIONED:

**1) Challenge it!** The law says that the Jobcentre Plus must write and tell you that you have been sanctioned and explain their reason. You have one month from the date on this decision letter to challenge their decision to sanction you. You need to first write, or phone, the DWP office that made the decision and say that you want a 'Mandatory Reconsideration'. You must do this before you can appeal against the sanction. A 'Mandatory Reconsideration' means you are asking the DWP to reconsider their decision to sanction you. If you write, you need to give your name, national insurance number, address, the date the decision was made and which benefit you were claiming. You can use phones at the Jobcentre to make the request for Reconsideration or to get more information about your sanction. Make sure you note the time and date of the call, if possible get the name of the person you spoke to and the office they work in. If the customer free phones have been removed then you can request an appointment that day to see a member of staff.

If you can get enough information to prove the sanction was not in accord with the benefit rules, you might be able to get the decision changed at the Reconsideration stage.

- If your Claimant Commitment or Jobseeker's Agreement has been fixed by your job centre advisor to be something you couldn't do, or difficult to sustain, you could get the decision changed because it is unreasonable.
- If you were late or could not attend due to illness, domestic emergency or attending another job related activity then explain fully, as these can be treated as 'good cause'.

[www.jobseekersanctionadvice.com](http://www.jobseekersanctionadvice.com) is a website run by three former DWP workers and provides template letters that you can use to challenge your sanction. You can download these from [www.jobseekersanctionadvice.com/how-to-guides/](http://www.jobseekersanctionadvice.com/how-to-guides/)

The Citizens Advice Bureau also provide advice and support, [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

The DWP do not have a set deadline for responding to your request for a Reconsideration so you will need to contact them every couple of weeks to make sure that it is being processed. When they do respond to you they may just re-state their original decision to sanction you. In this case the next stage is to appeal. Appeals forms are no longer provided at jobcentres, they must be downloaded or you can get one from Advice Centres. You can download an Appeals form (called an SSCS1 form) from [www.bit.ly/SSCS1Jan15](http://www.bit.ly/SSCS1Jan15)

**2) Apply for a hardship payment** – these payments are not advertised, request an application form at the Job Centre – you may fit into the criteria of being 'vulnerable', meaning that you should receive your hardship payment sooner. They look at other means of support you may have, whether you have a family or any health problems. If you know that the sanction will mean you will not be able to feed yourself or your family ask your job centre how you can be referred to a food bank.

**3) Inform the revenues and benefits office** – take proof of the sanction to your local housing office as soon as possible, tell them you have no other income. Housing Benefit and council tax reduction will be stopped following a sanction until you provide up to date information about your new weekly income to prevent any possible overpayments. If you do nothing you may end up with rent and council tax arrears, which may lead to legal action.

**4) Continue signing on**, even though you are not getting paid. If you don't, or if you don't comply with your Jobseeker's Agreement or Claimant Commitment, you could lose your benefit for a longer period and your Housing Benefit may also be affected.

**5) Organise with other claimants to fight back!** Don't face sanctions alone. If you work with other unemployed people you can get support and challenge the injustice of sanctioning.

Contact your local Unite Community group to take action against sanctions (see contacts at back).



Unite Community members' collection for local foodbank



## KNOWING YOUR RIGHTS

Always read your Jobseekers Agreement/Claimant Commitment – this will specify exactly what steps you need to take each week, what hours you are available for and how far you are expected to travel. It essentially acts as a contract; you can disagree with it if you think the steps are unreasonable.

The JSA Regulations do not specify that claimants must keep written records of your job search. However, encouraging a claimant to keep a written record of the steps they have taken can help you to remember what you have done, and will help to build up a picture of the progress the claimant is making in their efforts to find work. (Labour Market Conditions Guide 200)

The steps that are reasonable will vary from claimant to claimant and from week to week. In looking at whether the steps taken are reasonable, all the following circumstances should be taken into account:

- Your skills, qualifications and abilities;
- Your physical or mental limitations, including any time spent training in the use of aids to improve your prospects of obtaining or retaining employment;
- The time which has passed since you last worked and your experience;
- The steps you have taken in previous weeks;
- The effectiveness of those steps in improving your prospects of securing employment;
- Whether or not the steps taken improve your prospects of obtaining employment;
- Whether or not the steps taken reduce your prospects of obtaining employment; availability and location of any vacancies; (Labour Market Conditions Guide 203)

The type and number of steps a claimant takes to find work may be affected by their ability or a health problem. For example, a disabled person may find it physically impossible to take the same steps as an able bodied person. However, they must still take whatever steps are reasonable allowing for their circumstances. (Labour Market Conditions Guide 204-205)

## IF YOU ARE HOMELESS

If you have no living accommodation it may be difficult for you to be contacted by anyone offering employment or help in obtaining employment. You may also need to spend much of your time searching for accommodation. Your job centre adviser should take both these factors into account when considering what steps it is reasonable for you to take in a week. Your Jobseekers Agreement should indicate that you are taking steps to find accommodation. Your Jobseekers Agreement will need to be varied once accommodation is found. (Labour Market Conditions Guide 225-226).

*Campaigning against cruel government welfare changes*



## YOU ARE ENTITLED TO TRAVEL COSTS

Remember you are entitled to help with travel costs for travelling to interviews outside of your normal signing time. The head of Jobcentres, Neil Couling, also recently stated that travel to job interview costs should also be paid. So make sure you ask your advisor how to claim these costs.

## FIGHT SANCTIONS TOGETHER

The use of sanctions have massively increased in the last few years. The government have pushed more and more sanctioning in their belief that benefit claimants are scroungers that need to be punished into looking for work.

The Public and Commercial Services Union (PCS), Unite, National Association of Welfare Rights Advisers, Unemployed Workers Centres believe that many claimants are unfairly sanctioned. The conditionality regime is designed to trip claimants up with increasingly unrealistic expectations of what counts as actively seeking work.

PCS, the union that represents jobcentre workers, opposes the punitive sanction regime and the Government's obsession with punishing benefit claimants. PCS directly opposed sanctions in the recent Select Committee report, which criticised DWP for "hitting the target but missing the point." PCS and Unite the union have been at the forefront of fighting changes in welfare attacks.

PCS members are put under extreme pressure to refer claimants for sanctioning; we are working to expose the Government lies on targets and working with other organisations to help claimants fight back.



Unite community members

**The trade union movement and voluntary organisations want to help claimants individually and collectively fight back against this system.**

**Together we are stronger.**



## NEW HARDER RULES FROM APRIL 2014

The DWP says that 'looking for work should be a full-time job'. The Claimant Commitment involves 'a strict compliance regime', under which claimants can be required to undertake up to 35 hours a week of job searching, or any other activity a Jobcentre 'job coach' thinks is appropriate. The Commitment will be even more oppressive than the existing set of sanctions that caused nearly 900,000 unemployed people to lose benefits – and the massive rise in food banks.

Other activities that a claimant may be expected to undertake will include 'work-focused interviews' whenever and wherever a jobcentre decides; 'work preparation' activities, which are designed to force those with sicknesses or disabilities into a 'health care' regime dictated by the jobcentre; and meeting a 'work availability requirement', where a claimant has to accept employment immediately, regardless of its suitability, or the level of pay and conditions. There is no extra provision for the bus fares, internet and phone costs, or other expenses incurred looking for a job 35 hours every week.

Changes from 28th April 2014 include daily or weekly signing and 30 hours a week Workfare placements. Whilst transport costs can be paid for attendance outside of the usual fortnightly signing, the new measures are clearly designed to catch claimants out and frustrate them off benefit.

If a claimant breaks any part of their Commitment, they will be subject to sanctions, which will mean a deduction, penalty or suspension of all their benefits. A claimant receiving three sanctions can see their benefit stopped entirely for up to three years.

Sanctions can be medium or high level; medium level can result from things like failing to apply for the agreed number of jobs each week (even if there are no new jobs available), failing to turn up to a job interview, or even just being 'sulky and uncommunicative' in an interview.

## UNITE COMMUNITY – THE UNION FOR THE UNEMPLOYED

Unite, the UK's biggest union now has a section for unemployed workers.

For 50p per week you can join and become part of your local community group and can get support, be trained in how to campaign and together fight back against this government's unfair attacks on the unemployed.

Join unite on-line [www.unitetheunion.org/community](http://www.unitetheunion.org/community) or contact:



*Joining Unite Community for 50p per week*

### Northern Ireland

Albert Hewitt  
M 07711 375537  
[Albert.hewitt2@unitetheunion.org](mailto:Albert.hewitt2@unitetheunion.org)

### Scotland

Jamie Caldwell  
M 07980 721417  
[Jamie.caldwell@unitetheunion.org](mailto:Jamie.caldwell@unitetheunion.org)

### North West

Sheila Coleman  
M 07711375538  
[sheila.coleman@unitetheunion.org](mailto:sheila.coleman@unitetheunion.org)

### North East, Yorkshire and Humberside

Joe Rollin  
M 07711375536  
[joe.rollin@unitetheunion.org](mailto:joe.rollin@unitetheunion.org)

### East Midlands

David Condliffe  
M 07791113806  
[David.condliffe@unitetheunion.org](mailto:David.condliffe@unitetheunion.org)

### West Midlands

Tyrone Fowles  
M 07718668521  
[tyrone.fowles@unitetheunion.org](mailto:tyrone.fowles@unitetheunion.org)

### London & Eastern

Pilgrim Tucker  
M 07970 126249  
[Pilgrim.tucker@unitetheunion.org](mailto:Pilgrim.tucker@unitetheunion.org)

### Janet MacLeod

M 07718 668498  
[Janet.Macleod@unitetheunion.org](mailto:Janet.Macleod@unitetheunion.org)

### Robin Sivapalan

M 07860 955361  
[Robin.sivapalan@unitetheunion.org](mailto:Robin.sivapalan@unitetheunion.org)

### South West

Brett Sparkes  
M 07702874585  
[brett.sparkes@unitetheunion.org](mailto:brett.sparkes@unitetheunion.org)

### South East

Kelly Tomlinson  
M 07941342835  
[kelly.tomlinson@unitetheunion.org](mailto:kelly.tomlinson@unitetheunion.org)

### Wales

Joanne Galazka  
M 07718668512  
[Joanne.galazka@unitetheunion.org](mailto:Joanne.galazka@unitetheunion.org)

### Unite Community Centres Belfast

Unite Community Centre  
361 Newtownards Road  
Belfast, BT4 1AJ  
T 02890452909

### Unite Cinderford Community Centre

The Miners Hall  
Wesley Rd  
Cinderford, GL14 2JN

### Cable Street

Unite Community Centre  
Basement  
St Georges Town  
236 Cable Street  
Shadwell, London E1 0BL  
[Cable.street@unitetheunion.org](mailto:Cable.street@unitetheunion.org)  
T 0203 435 6182

### Barnsley Centre

NUM/Unite Community Centre  
2 Huddersfield Road  
Barnsley, S70 2LS  
<http://barnsleycsc.com/>

### Unite Red Hill Community Centre

Miners Hall  
Red Hill  
Durham  
Co Durham, DH1 4BD  
<http://durhamcsc.wordpress.com/>

The trade union movement and voluntary organisations want to help claimants individually and collectively fight back against this system.

## Together we are stronger.

