

**BENEFIT
CHANGES
2015**

SANCTIONS



A useful sanctions survival guide

How to avoid sanctions and cope
if your benefit is cut



the **moray** council



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In this booklet look out for:

**Crucial information
you need to know**



**Useful things you
should know about**



Useful contacts

This guide has been produced to advise you where to get help if your Jobseeker's Allowance has been cut. It explains what sanctions are, how to avoid them and where to find help in a crisis. ***The important thing to remember is there are lots of organisations out there that can help - you just have to ask.***

For more advice on any of the issues:

Moray Council Welfare Map -
<http://welfaremap.moray.gov.uk>

or contact:

Moray Citizens Advice Bureau (CAB)
Tel: 01343 550088
Email: enquiries@moraycab.casonline.org.uk

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SANCTIONS



What are sanctions?

When you apply for Jobseeker's Allowance (**JSA**) you have to follow certain rules, such as applying for jobs or going to interviews. If you don't follow the rules, **Jobcentre Plus** can temporarily stop or reduce your benefits. This is known as a sanction.

Who can be sanctioned?

Anyone who is receiving Income Support, Jobseeker's Allowance, Employment Support Allowance (**ESA**), Incapacity Benefit, Carer's Allowance or Severe Disablement Allowance can be sanctioned. Each benefit has different sanctions. The rules for **JSA** are stricter than some of the others.

JSA isn't usually paid to 16 or 17 year-olds except in special circumstances. If you are 16 or 17 and you have your **JSA** sanctioned, contact **Moray Citizens Advice Bureau** to find out your rights.

The people who are most commonly sanctioned across the UK are:

- Jobseekers
- Lone parents
- Young people aged 18-24



Anyone who is on one of the benefits above can be sanctioned. Follow the top tips in this booklet to make sure it doesn't happen to you.



What's changed?

A new '**Claimant Commitment**' was rolled out last year to anyone in Moray receiving **Jobseeker's Allowance (JSA)**. Now, when someone makes a new claim for **JSA** or returns to **JSA** from the Work Programme, they will attend an interview with a work coach adviser to agree a personal plan saying what they will do in exchange for receiving the benefit. This could include regular specific tasks and training opportunities to help them find work. The work coach advisor will explain what could happen if the tasks in the **Claimant Commitment** are not met, and the plan will be reviewed regularly.

How can I avoid sanctions?

You can minimise the risk of sanctions by making sure you follow all the rules in your **Claimant Commitment**.

Always:

- Make sure you understand what you're signing. Ask your work coach adviser if you're unsure about anything
- Let your work coach adviser know as soon as possible if you're worried you won't be able to meet all the rules in your agreement, and explain why
- If you have an interview at the same time as a meeting with your work coach advisor, make sure they know you won't be able to go to their meeting
- Keep a record of everything you do to look for work, such as how much time you have spent, reference numbers for jobs you have applied for and when you applied. Many people keep a job-searching activity book with all these details in it. For help with this, go to your nearest Job Club.
- Keep a diary of when you have been to meetings at the **Jobcentre Plus** and any other work or training sessions
- Read all letters and emails from the **Jobcentre Plus** and **DWP** and keep them for future reference

Help with your job search

If you need help with your job search there are several places you can go. First stop should be your work coach advisor, to get you started. Moray Council also runs job clubs in Forres, Keith, Elgin and Buckie. For a full list of venues and times, go to www.moray.gov.uk or contact:

Elgin Library www.elgin.library@moray.gov.uk - tel: **01343 562603**

If you are fairly confident using a computer but don't have online access, pop down to your local library. There are more than 92 computers available in Moray libraries where you can access the internet, email and online learning for free.

All Jobcentres in Scotland now have wifi available for customers in front of house which means you can jobsearch on your phones/tablets/laptops by logging onto the BT system. All Jobcentres also have WADs (Web Access Devices) which you can use to access Jobsearch, make claims online for Jobseekers Allowance and update Universal Jobmatch accounts.





How will I know if I've been sanctioned?

If you are sanctioned, the UK Government's **Department of Work and Pensions (DWP)** will send you a letter explaining why your **JSA** has been cut.

Unfortunately people often don't receive these letters until after their benefit is due, so they first find out they have been sanctioned when their **JSA** is not paid into their account.

Why have I been sanctioned?

The most common reasons for **Jobseeker's Allowance** being sanctioned are:

- not taking part in a work or training scheme and
- not doing enough to find work.

You can also be sanctioned for missing (or being late for) a meeting at the **Jobcentre Plus**.



If you don't yet know why you have been sanctioned you should request a written statement to explain. If you think the sanction is unfair or is based on wrong information you can challenge it. For more information go to page 8.

How long will it last?

Sanctions usually last for either four, 13 or 26 weeks, but in extreme cases can be for up to three years. The length will be determined by the reason for your sanction.

The table below lists the reasons your **JSA** can be sanctioned and how long your benefits would be cut for; the rules for other benefits are different:

What happens if you...	Sanction Level	1st time	2nd time	3rd time
Lose a job voluntarily, lose a job because of misconduct, refuse a job, or refuse to take part in a work activity	High Your JSA is reduced to nil	13 weeks (3 mths)	26 weeks (6 mths)	156 weeks 3 years
Are not available for work or are not actively seeking work	Medium Your JSA is reduced to nil	4 weeks	13 weeks	
Miss an adviser interview, do not take part in a work programme or training scheme, or follow the Claimant Commitment	Low Your JSA is reduced to nil	4 weeks	13 weeks	



ESA (Employment Support Allowance) and Income Support

ESA or Income Support Sanctions are different. **ESA** is reduced by £72.40 a week and Income Support is reduced by £14.48 a week until you take part in the interview or comply with the work-related activity. For **ESA**, an additional fixed period of one, two or four weeks is added, depending on whether this is the 1st, 2nd or 3rd sanction.

What will happen to my other benefits?

If you receive Housing Benefit and Council Tax Reduction, these may be stopped during your sanction. If you are sanctioned, visit your local council office and bring evidence with you that your benefits have stopped and you have no other income, such as the **DWP** letter and a current bank statement. Your Housing Benefit and Council Tax Reduction can then be re-assessed.



If you do nothing you may end up with rent and council tax arrears, which could lead to legal action.

Should I still sign on?

Yes! It is very important to keep meeting the conditions of your Claimant Commitment by looking for work and signing on at the **Jobcentre Plus**. If you don't do this, your benefits may be stopped for even longer. It's important to continue signing on even if you decide to challenge your sanction.

What if they've made a mistake?

If you think the **Jobcentre Plus** have made a mistake, or there was a genuine reason you could not meet the Claimant Commitment, you can challenge the sanction.

For example, if you didn't apply for a job because it was too far to travel (more than an hour and a half away), then you can challenge to have the sanction removed.

Other acceptable reasons are:

- if your health or disability prevented you from attending
- if you have language or learning difficulties
- if you have had a bereavement
- if you had a medical appointment that would be unreasonable to rearrange, or
- if you were at another interview.

To challenge a sanction, ask the **Jobcentre Plus** for a letter explaining the reason for the sanction and reply (in writing) giving the reasons you couldn't meet this condition. Include any evidence you have, such as a letter from your doctor, a sick line or interview letters and ask them to review their decision. **Moray Citizens Advice Bureau** can help you with this.

If you want to challenge a decision, you need to do this as soon as possible. The **Jobcentre Plus** will only review a decision if they receive your letter within **ONE MONTH** of the date of the notification letter.





This process is called '**mandatory reconsideration**' and means the **DWP** will look at the sanction again to make sure it's fair and correct.



IMPORTANT!

You can request the **mandatory reconsideration** verbally or in writing. You should keep a copy of your request, when it was sent or who you spoke to and the time.

Be aware, if you are offered a 'detailed explanation' this is not a mandatory reconsideration.

Anyone going through this process should be aware that it can take several weeks and while the decision to sanction you is being reviewed you will stop receiving the benefit. If you are successful, the benefit you missed will be paid back to you, but this could still leave you without an income for some time.

Making a formal appeal

If you have gone through the mandatory reconsideration process (see above) and have been unsuccessful, you are entitled to make a formal appeal. You must send your appeal directly to HM Courts and Tribunal Service, not to the **DWP**. This is known as '**direct lodgement**'.

If you want to go through this process, it's best to seek help from **Moray Citizens Advice Bureau** as soon as you hear the outcome of your mandatory reconsideration. Their contact details are at the back of this guide.



Almost 9 out of 10 people who appeal against the DWP in Scotland are successful !

I think I've been treated unfairly...

You have the right to expect a good standard of service. If you are unhappy with the way you have been treated, you have the right to complain.

In some cases, if poor service has led to a delay in you receiving your benefit, you may be entitled to financial compensation.

If the **DWP** have made a mistake or delay when processing your claim, or it has cost you money such as travel expenses or postage costs, you may be able to claim this back in a 'special payment'.

For more information on special payments and how to make a complaint, contact **Moray Citizens Advice Bureau**.

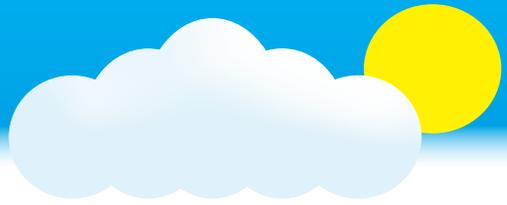
Help in crisis - Hardship Payments

If your benefits have been sanctioned and you don't have any other income for essential living costs (e.g. food and heating) then you may be able to get a hardship payment. These are payments from the **DWP** to help you with living costs during a sanction.



If your **JSA** is sanctioned you can receive hardship payments from the 15th day you have been sanctioned. However, some people can receive hardship payments right away. This includes people who have children, are pregnant, or have a disability. There are several other groups of people considered vulnerable, so if you think this might apply to you check with the **DWP** or **Moray Citizens Advice Bureau**.

To apply for hardship payments pick up an application form (**JSA10**) at your nearest **Jobcentre Plus** office. To claim hardship payments for a **JSA** sanction, you must be available and actively looking for work.



IMPORTANT!

You may have to pay your hardship payments back.

The **DWP** will determine if payments will be recovered from your benefits when they restart



Short-term advances of benefits

If you have claimed a benefit but are struggling to pay essential living costs while you wait for it to be processed or paid, you can sometimes get a benefit advance. To be eligible, you must be able to show that your family's health or safety is at risk if you don't receive the money now.

Any money you receive in advance must be paid back from future benefit payments, usually within three months. If you would like to apply for a short-term advance, contact **Jobcentre Plus** for help with this process.

The Scottish Welfare Fund

The Scottish Welfare Fund is a national scheme delivered by local councils to help people in crisis. It provides two types of grant: **Crisis Grants** and **Community Care Grants**.



Crisis Grants can help pay for the things someone needs to prevent harm to their or their family's health or safety because of an emergency or disaster. Applications can be made for living expenses and essential items such as food, heating costs, nappies, toiletries, travel and temporary accommodation costs.



Community Care Grants can help people with the things they need to live independently in the community rather than having to stay or live in care.

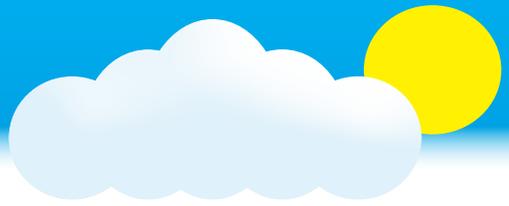
Anyone living in Moray who is aged 16 or over can apply, even if they don't claim benefits. Each application is assessed individually and grants are awarded to the people who need them most.

To find out more and apply online:

Moray Council

www.moray.gov.uk/scottishwelfarefund





Food banks

Food banks in Moray provide food parcels to people in crisis. You will have to be referred by an approved agency e.g. **Moray Council Money Advice and Welfare Benefit Team, Social Work etc.** .



Useful contacts

Department of Work & Pensions

www.gov.uk/dwp

Moray Council Welfare Map

<http://welfaremap.moray.gov.uk>

Moray Citizens Advice Bureau (CAB)

Tel: 01343 550088

Email: enquiries@moraycab.casonline.org.uk

