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**NORFOLK
COMMUNITY
LAW SERVICE**

“Providing Access to Justice & Equality”

Review of Job Seeker’s Allowance Sanctions

Norfolk Community Law Service (NCLS) aims to provide access to justice and equality in Norfolk through identifying and meeting unmet legal need and to provide free and independent legal services to try to meet that need. We have been operating for over thirty years, currently have 12 staff and around 80 volunteers.

Current services include -

- twice weekly free legal advice drop in - employment, family & general
- debt advice for offenders, ex-offenders, young people & vulnerable people
- domestic abuse advice & support
- employment, discrimination & benefits advice for migrant workers and advice on residency, status & entitlement for EEA nationals
- discrimination advice and representation – provided by Suffolk Discrimination Law Service
- rent arrears mediation for Norwich City Council tenants
- welfare rights appeals and representation

NCLS is the lead agency for the Norfolk Community Advice Network (NCAN) comprising statutory and voluntary providers of social welfare advice as well as private solicitors. We would like to provide the following observations:

Understanding the Sanction System

1. Norfolk Community Law Service do not see a large number of clients seeking advice on JSA sanctions. Our advisors believe that this is due to a general lack of understanding of the sanction system by claimants, and the help that may be available to them to appeal sanction decisions. However, where we do have clients who have experienced a sanction, this can have a significant impact on debt and housing. In fact, clients are more likely to seek advice from us about these ‘knock on’ issues rather than the sanction itself.

Methods of Communication

2. A major factor influencing the understanding of clients about the sanction system is the methods of communication adopted by the Department for Work and Pensions.

3. Clients are mainly informed of their sanctions by letter. This poses a serious problem to claimants that cannot read or write. Sanctioned claimants that have poor communication skills have to seek advice in order to understand why they have been sanctioned as this is not always clearly explained in the letter they receive.
4. It is also not always clear where claimants can seek advice, and thus many claimants just accept the sanction, when they may have a ground to appeal. Cuts to legal aid have also meant that claimants may not be able to seek advice where they would previously have been able to, as some services may not be offering advice on sanctions due to lack of resources caused by the cuts to legal aid.

Other Methods of Communication

5. In order to improve claimant's understanding of the JSA sanction system, it may be necessary for the DWP to consider offering alternative methods of communication.
6. One NCLS client had been sanctioned, however could not read or write, and thus their only method of communication was via telephone, and therefore found it difficult to seek additional advice on why they had been sanctioned and how their sanction could be appealed.
7. The DWP may therefore wish to consider establishing a telephone service for claimants who are seeking advice on their sanctions, or provide clearer guidance in their written communications to claimants where they can seek further assistance.
8. Better information and guidance about the sanction process and why sanctions may be implemented needs to be provided by the DWP, online and in paper form, for claimants. This also gives clear guidance for advice agencies to follow and provide better advice for their clients. This also helps to keep claimants informed through the sanction process, as there is an increased amount of communication from the sanctioning body, and provides someone for the claimant to talk to directly.

Information Provided to Sanctioned Claimants

9. When a sanction has been applied to a claimant, the DWP should clearly set out the reasons why the claimant has been sanctioned, how long the sanction will apply and the method of appealing the sanction. NCLS has found that claimants are not always made aware of the reasons why they have been sanctioned or have not understood the reasons, particularly where they have difficulties with language or basic skills.
10. One NCLS client had their JSA payments sanctioned for 13 weeks after going on an approved holiday by their adviser. The client had completed the correct process in order to apply to go on holiday and their adviser had approved the application. The client continued to log in to search for jobs whilst they were away. The client was offered a job, but was unable to take up the work due to their distance from the UK. This was the client's first offence. In the letter sent to the client explaining that they had been sanctioned, there were no reasons set out for the sanction.
11. Although the DWP provides guidance to sanctions online at <https://www.gov.uk/government/publications/jobseekers-allowance-leaflet>, more clear guidance on sanctions, and specifically on how and why they will be implemented needs to be provided to claimants. Again, this service should not only be provided by letter, but also by other methods of communication in order to ensure that all claimants of all abilities are able to access advice. The guidance provided should also be in a format that claimants can clearly understand, avoiding the use of technical terms and simplifying the system as much as possible for the claimants, in order to help them avoid incurring any sanctions.

Appeals Process

12. Appealing a JSA sanction can often take longer than the length of the sanction due to the inefficient sanction appeal system.
13. This was the case with the client above. Our adviser informed the client that an appeal of their 13-week sanction would probably take longer than the sanction time, due to the

lengthy appeals process.

14. A faster appeals process could be considered, especially for lower level sanctions where the period of sanction is for a short period. This will help to give claimants a better understanding of the system, as well as the right to appeal lower level sanctions. Better understanding of the sanction system will be achieved as claimants may get more information of why their sanction was imposed and why it can or cannot be appealed.

Conclusion

15. In reviewing the JSA Sanctions process, it is clear that there needs to be greater clarity and simplification of the system in order to help the claimants' understanding of the sanction and appeal process. Existing guidance documents need to be simplified in order to improve claimants' understanding of the sanction system and how they can avoid being sanctioned. More reasons need to be given to claimants upon sanction in order to make claimants aware why they have been sanctioned and how they can avoid being sanctioned in the future. More information needs to be provided in initial communications about how sanctions can be appealed. There is also a need for a wider range of communication methods for claimants with poor or no literacy skills, in order to improve their access to the information.

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Norfolk Community Law Service