

JSA AND WORK EXPERIENCE

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INTRODUCTION

- 1 This memo gives guidance on changes introduced by The Jobseeker's Allowance (Work Experience) (Amendment) Regulations 2011 (JSA(WE) Amdt Regs 2011) (SI 2011/789) which come into effect from 5.4.11¹.

1 JSA (WE) Amdt Regs, reg 1

BACKGROUND

- 2 Work Experience is an opportunity for JSA claimants aged 18 and over to gain experience in the workplace for between two and eight weeks provided by the Secretary of State under relevant legislation¹.

1 E & T Act 73, s 2

CHANGES

- 3 From 5.4.11 legislation is to be amended to
 1. include Work Experience as an employment programme¹
 2. provide that claimants on Work Experience must still actively seek employment²
 3. treat claimant's engaged in Work Experience as not engaged in remunerative work³.

Full guidance is provided below.

1 JSA Regs, reg 75(1)(a)(vi); 2 reg 19(1)(q); 3 reg 53(k)

Actively seeking employment

- 4 DMG 21725 provides guidance that claimants can be treated as ASE in any week they are taking part in an employment or training programme. From 5.4.11 this will be for an employment or training programme other than Work Experience¹. Whilst on Work Experience a claimant must still be ASE.

1 reg 19(1)(q)

Treated as not in remunerative work

- 5 DMG 20464 contains a list of people who are treated as not being in remunerative work. From 5.4.11 a new category is added to this list (JSA only) and is where the person is on a scheme called Work Experience¹.

1 reg 53(k)

WORK EXPERIENCE AND SANCTIONS

- 6 From 5.4.11 JSA may not be payable or it may be payable at a reduced rate to claimants who are entitled to JSA¹ and have
 1. lost a place on a Work Experience through misconduct (see [DMG 34734 - 34735](#))² or
 2. subject to the good cause provisions detailed in paragraph 8 of this guidance given up or failed to attend a place on a Work Experience without good cause (see [DMG 34736 - 34747](#))³ or

3. after being notified by an Emp O of a place on a Work Experience, without good cause (see [DMG 34751 - 34752](#))

3.1 refused or failed to apply for it **or**

3.2 refused to accept it when offered⁴ **or**

4. neglected to avail themselves of a reasonable opportunity of a place on a Work Experience (see [DMG 34757 - 34758](#))⁵.

Note: See [DMG 34394](#) for the definition of an Emp O.

*1 JS Act 95, s 19(1) and 20A(1); 2 s 19(5)(c) and 20A(2)(c); 3 s 19(5)(b)(iii), 19(5)(b)(iv), 20A(2)(b)(iii) & 20A(2)(iv);
4 s 19(5)(b)(ii) and 20A(2)(b)(ii); 5 s 19(5)(b)(i) and 20A(2)(b)(i)*

7 For general guidance on the length of a sanction, and when it should begin, see [DMG 34013](#) et seq.

Good Cause

8 A claimant is regarded as having good cause for failing to attend or giving up Work Experience providing they

1. attend the first day of Work Experience **and**

2. give up not later than one week after the date on which they begin Work Experience **and**

3. do not lose the Work Experience place due to misconduct¹.

1 JSA Regs, reg 73(2C)

9 The general rules on good cause which apply to employment programmes (see [DMG 34766 - 34786](#)) will also apply to Work Experience.

ANNOTATIONS

Please annotate the number of this memo (DMG Memo 8/11) against DMG paragraphs:- 20464, 21725, 34013 (Heading), 34721(Heading), 34729, 34734, 34736, 34751, 34757, 34766 (Heading) and 34791 (Heading).

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, GS36, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in [Memo DMG 26/08](#) - Obtaining legal advice and guidance from DMA Leeds.

DMA Leeds: March 2011