

Chapter 4b - Safeguarding and Vulnerability

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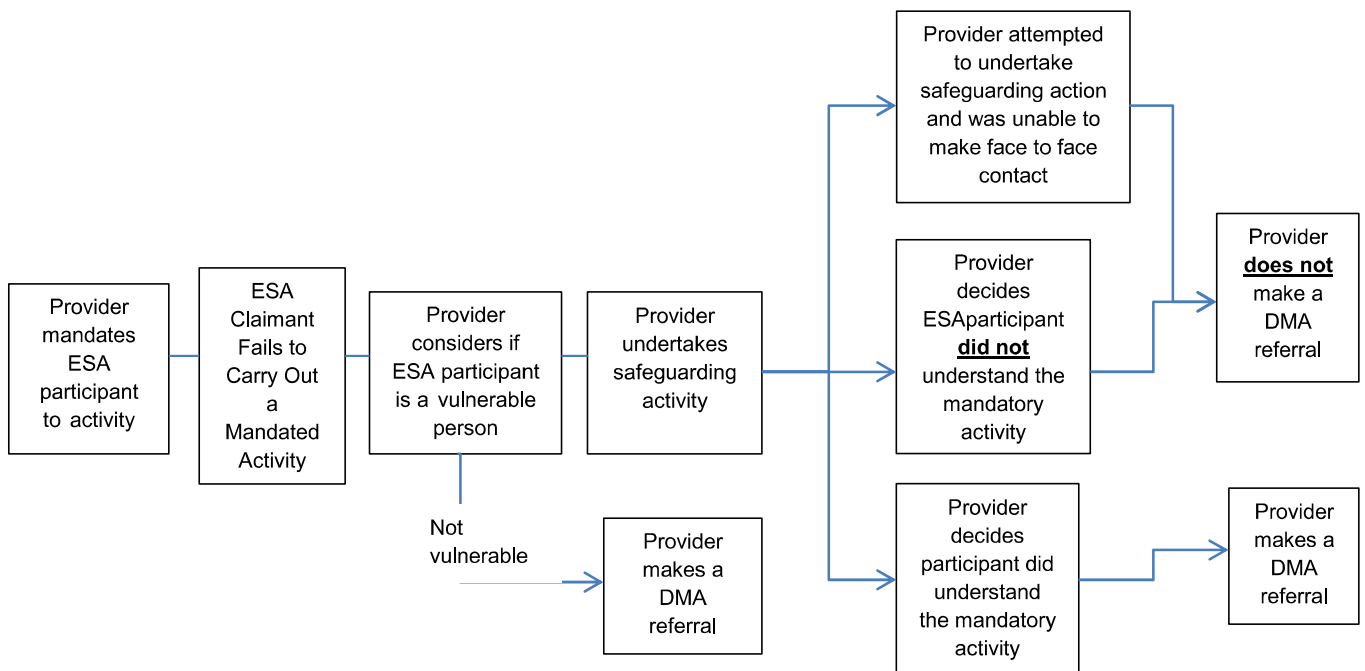
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High Level Must Do's



ESA Claimant Fails to Carry Out a Mandated Activity

1. Before raising a sanction doubt referral for vulnerable ESA claimants you must have ensured by engaging face to face with the participant, that they have understood the requirements of the activity and possible consequences of not carrying out the mandated activity. This is referred to as 'safeguarding'.
2. This policy is intended to protect vulnerable ESA claimants and ensure no sanction is imposed inappropriately i.e. because the ESA vulnerable claimant has not understood what they were being asked to do.

Action

- Check the initial PRaP referral for their vulnerable status
- Check relevant change of circumstances notifications (WP07b)
- Check your records for any notes taken

Background

3. Further detail is provided in the [Background and Further Information Section](#)

Participant is not a Vulnerable ESA Claimant

4. If there is no evidence the ESA claimant is a vulnerable claimant then you should make the sanction doubt referral in the usual way.

Action

- Take the sanction referral steps detailed in Work Programme provider Guidance Chapter 6 - Raising a compliance doubt

Background

5. Further detail is provided in the [Background and Further Information Section](#)

Participant is a vulnerable ESA claimant

6. If either the original PRaP referral, relevant change of circumstances notifications (WP07b) or your own evidence tells you the participant meets the WP definition of vulnerable you must carry out safeguarding activities before you raise a sanction doubt.
7. This means, as a minimum, you must have a face to face discussion to confirm the participant has understood the activities that you have mandated them to do and the consequences of not complying. Face to face includes carrying out a Home Visit if necessary.

Action

- Carry out face to face safeguarding activity/s every time they have failed to undertake the mandated activity you have mandated them to.

Background

8. Further detail is provided in the [Background and Further Information Section](#)

Safeguarding Activities successful

9. If you have had a face to face discussion with the participant (after they have failed to participate in an activity you have mandated them to) and you are content that they did understand the requirements and possible consequences of not carrying out the mandated activity, the appropriate safeguarding steps have been undertaken.

Action

- Raise the sanction doubt referral in the usual way
- Ensure that you inform the LMDMs on the WP08 referral what action you have taken and how you have reached your conclusion.
- This information should be recorded in part 3 “Details of Action” taken of the WP08 (2015) form.

Background

10. Further detail is provided in the [Background and Further Information Section](#)

Safeguarding Activities unsuccessful

11. If you have attempted to undertake safeguarding actions and been unable to carry these activities out, the appropriate safeguarding steps have not been undertaken.

Action

- Do not raise the sanction doubt referral (WP08)
- Ensure you keep a record detailing the action you have under taken while attempting to take safeguarding action

Background

12. Further detail is provided in the [Background and Further Information Section](#)

Consequence

The Compliance Monitoring Officer (CMO) will be checking sanction referral information. If you have not noted why you did not raise a sanction referral, this may result in a 'fail' marking.

Background and Further Information

13. The purpose of this chapter is to provide you with a single dedicated source of information relating to the treatment of vulnerable Employment and Support Allowance (ESA) participants when they are on the Work Programme.
14. The chapter explains the safeguarding procedures that must be followed when dealing with this client group as well as the unique challenges that they may face when referring them to a mandatory activity. (See also Chapter 3a - Work Programme Mandation)

Please Note: This chapter should be read in conjunction with Work Programme Provider Chapter 4 - Accepting referrals, initial participant engagement and registering an attachment, Chapter 5 – Change of Circumstances and Chapter 6 - Raising a compliance doubt.

Definition of a Vulnerable ESA participant

15. The official definition of a vulnerable ESA participant is:

“Vulnerable Employment and Support Allowance (ESA) participants are those who have mental health conditions or learning disabilities or conditions affecting communication/cognition”.

16. In some instances, JSA participants may require extra support in accessing Work Programme Services. If a Jobcentre adviser identifies that a JSA claimant needs additional support to help them understand what is expected of them while on the work programme or to access services, they will annotate the claimants action plan with the following note:- “May require reasonable adjustment or additional support”

Jobcentre Plus Identifies that an ESA participant is vulnerable

17. If a Jobcentre advisor identifies that an ESA participant falls in to a vulnerable group they will set up a marker on PRaP to alert you as well as note the word “safeguarding” in the action plan when they are first referred to you.
18. If a new mandatory ESA Work Programme Participant fails to participate in initial engagement activities it would be good practice to use the Provider Direct service to check their circumstances. See Provider Direct Guidance.

Provider identifies that an ESA participant is vulnerable

19. Throughout the 104 weeks a person is on the Work Programme their circumstances may change.
20. To assist in your identification of a vulnerable ESA participant you should use any information provided by Jobcentre Plus, your own records of meetings and communications you have already had with the participant. This will also include any on-going Jobcentre Plus communications e.g. form WP07b notifying you of a change in circumstances.
21. The participant is on the Work Programme for 104 weeks therefore it is important that you continually monitor ESA participants to check if there has been any change in their circumstances/ condition that means that they now meet the definition of “vulnerable”.
22. Once it has been identified that a participant is vulnerable, you must continue treating them as such. A change in vulnerability status can only be decided by JCP (via the change of circumstances process).

Safeguarding

23. When talking about safeguarding we are referring to the measures that should be taken to make sure that a participant understood what was required of them, before making a referral for a sanction.
24. It is your responsibility to attempt to see vulnerable ESA participants face to face (after they failed to participate in a mandated activity) to ensure that they fully understand their responsibilities and possible consequences of not carrying out the mandated activity.
25. The specific measures that you take will vary according to the participant’s individual circumstances but they could include:
 - Asking the participant to attend an appointment with you

- Visiting a participant at a neutral location such as a community hall or public library.
- Visiting a person at home – the participant may feel more comfortable or secure in their own environment and consequently more receptive to what you are asking of them.
- If you have attempted to undertake safeguarding actions and have been unable to carry these activities out, resulting in the appropriate safeguarding steps not being undertaken, you should not raise the sanction doubt referral (WP08).

Home Visits

26. A home visit must be attempted if you are unable to have the face to face discussion any other way.

Health and Safety of your People

27. You are expected to ensure the safety of any of your staff who visit participants off site.

Your legal responsibilities are set down in the Health and Safety at Work Act 1974

28. You must ensure that you have met your responsibilities within the Act when asking your staff to visit participants off premises.

Representatives

29. A vulnerable ESA participant may have a representative who helps them.

Examples of representatives are:

- Relative;
- Welfare organisation;
- Social worker;
- Careers Service/Connexions Service;

You are free to talk to the representative about the participant if they have given you written consent.

This can be helpful as it allows you to explain fully what is required of the participant to the representative, who can in turn explain this to the participant in their own time (e.g. Back at home).

Appointees

30. If the vulnerable ESA participant has an appointee you are free to speak to them about the participant without any written consent as they have the same legal

status as the participant themselves and are legally empowered to act on their behalf.

Good Practice

31. It is important to ensure that vulnerable ESA participants are well managed in order to keep them engaged on the Work programme.

32. It would be good practice to:

- Ensure that you meet them face to face on a regular basis to make sure that they fully understand what is required of them.
- Consider meeting them at a community centre or a local library rather than on your own premises if you think that they may find this less intimidating.
- With the participants' consent (when required) meet with their advocate or representative (if they have one) to establish if there is anything specifically you can do to help. They may be aware of special circumstances that could affect the participant's ability to fully engage in the Work Programme.
- Consider having specially trained advisors who are experts in dealing with and understanding participants who are vulnerable and have special needs.
- Ensure that you fully document any safeguarding activities that you have taken. This will allow you to identify the most effective method of engaging with the participant (and eliminate ineffective measures).
- Try to establish if there are any other "hidden" circumstances that could change and affect the participant's ability to engage with you – e.g. try to establish what support they have in their personal lives. See Work Programme Provider Guidance - Chapter 5 - Change of circumstances and notifications
- Prior to making a compliance doubt referral, carry out a management check to ensure that all relevant safeguarding action was taken – this could help to reduce DMA cancellations. See Work Programme provider guidance Chapter 3a - Mandation, the WP08 Hints and Tips document and the WP08 Quality Assurance Framework for help with completing the WP08 form.
- Contact Provider Direct to make sure you have the latest information.

Useful Links

33. Guidance on helping people with mental health conditions to find and stay in employment can be found by clicking on this [link](#).

34. Additionally the following organisations are designed to assist vulnerable individuals. You may find it useful to make the participant (or a representative) aware of them.

- [**Voice UK**](#) is a national charity supporting people with learning disabilities and other vulnerable people who have experienced crime or abuse. Its helpline for carers, parents and professionals can be reached on 0808 802 8686, Monday to Friday between 0900 to 1700 BST, e-mail helpline@voiceuk.org.uk or text message 07797 800 642.
- [**Mencap Learning Disability Helpline**](#) provides advice and information on all issues relevant to people with learning disabilities and their families in England, Wales and Northern Ireland. Contact the helpline by phone on 0808 808 1111.
- [**The National Autistic Society**](#) is a leading UK charity for people with autism – including Asperger’s syndrome – and their families. It provides information, support and campaigns for a better world for people with autism. Persons with autism or their families or carers are free to contact them by phone on 0845 070 4004 Monday to Friday between 1000 and 1600 BST.
- [**Scope**](#) is a charity that seeks to promote equal rights for disabled persons. They can be contacted on 0808 800 3333.