

Cases where claim suspension may not be appropriate

1. Following failure to attend an interview or provide documentary evidence, the compliance officer may decide that the claim suspension may not be appropriate, due to the claimant having been identified as an individual with complex needs and/or needing additional support.

Note: For more information see: suspension and termination guide para 2050.

2. If the Department for Work and Pensions (DWP) knows that a claimant has a condition that could affect:

- their ability to understand or comply with their obligations or conditionality; or
- their ability to understand the implications of not complying

a core visit to their home must be considered before any sanction or disallowance decision is made.

3. For these cases, consideration must be given to the following:

- the context of the interview and whether the interview should be deferred
- encouraging advocacy support if needed
- identifying any relevant issues, where known, that might impact on compliance

Note: For more information see: helping customers who require advanced support.

4. The compliance officer must decide on a case by case basis what the next course of action must be to progress the case.

5. Any one or any number of the following may be appropriate:

- 2050 When suspending payment, apart from cases where availability or actively seeking work (JSA) is an issue, you must consider whether the claimant will suffer hardship as a consequence.

While every case is different, suspending the claimant's benefit might be unacceptable

- 2051 You must consider the following factors:
 - if the claimant is elderly, frail or has physical or mental health problems, it might be unreasonable to expect them to wait for payment if the question was settled in their favour
 - if the claimant has young children who would be adversely affected if benefit was suspended

- if the claimant has taken on financial commitments based on a reasonable assumption that benefit would be paid to them
- it is not usually appropriate to suspend a non income related benefit solely on the grounds that the claimant may also be entitled to an income related benefit, for example Jobseeker's Allowance (income based) (JSA(IB)); or
- if deductions are being made from the claimant's benefit, consider whether the amount of benefit left is enough to prevent hardship

Note: This list is not exhaustive.

| Step | Action |
|--|--|
| 1 | Case conference with the the compliance team leader to discuss options for further action. |
| 2 | Refer to the Decision Maker (DM) to consider suspension of the claim |
| Note: For Universal Credit (UC) cases, a referral must be sent to the appropriate service centre processing site, not the DM. | |
| 3 | Try to conduct a face to face interview with the claimant. |
| 4 | Refer to DWP visiting under the vulnerability criteria for a home visit. |
| 5 | Send FESL1 to the claimant asking for the relevant information on earnings cases. |
| 6 | Send CCEEL1 letter to the employer (following FESL1 action). |
| 7 | Send FESL9 letter to the claimant asking for the relevant information for non earnings cases. |
| Note: For UC claimants, the letter must be updated to the claimant journal. | |
| 8 | Try to make direct contact with the information provider, for example, the bank or occupational pension provider, following consent being given by the claimant completing form A42. |
| Note: This list is not exhaustive. | |

Ineffective visits

6. An ineffective visit is where the claimant:

- is not at home or does not answer
- refuses to co-operate; or
- lives in an area that DWP visiting believes is unsafe

7. In cases where visiting officers believe the area is unsafe, you must take the action as if 2 ineffective visits have taken place.

2 ineffective visits

8. Where 2 core visits have been ineffective, the claimant's details must be referred to the HEO manager of the person who made it to discuss the case in more detail as part of the case conference.
9. Pending the outcome of the case conference, the claimant's award must not end or their payments must not be stopped.
10. Case conferencing will take place between the HEO manager and the referrer, to determine all the facts of the case following 2 ineffective visits before making a decision on the claim.
11. The case conference will review the information available to them and provide an assurance check.
12. This will include reviewing:
 - the circumstances prompting the referral for a visit to be made
 - previous contacts with DWP
 - attendance at any interventions as part of the conditionality to get their benefit
 - any documentation or notes held on systems used regarding the claimant, for example, a medical report following attendance at a Work Capability Assessment (WCA)
 - any input from 3rd party organisations, this may include a next of kin or organisations such as Social Services
 - whether, based on the claimant's circumstances, a deferral of the appointment is appropriate at this stage
13. The case conference will also consider whether to involve the local partnership manager who may be aware of local organisations that can offer support.
14. The case conference participants must be satisfied that agreed actions have been taken and all relevant information has been sufficiently considered.
15. The HEO must review the information and note the relevant systems of the actions considered and reviewed.

Note: This is to satisfy that they have confirmed all actions have been taken whilst considering advanced support action.
16. Following the case conference, if a vulnerability concern is still recognised, the claimant's award must not end and payments must not be stopped.
17. You must not suspend or stop the claimant's benefit payment until further action has been taken and further advice given.

18. The case will then be referred to an Advanced Customer Support Senior Leader to liaise with the relevant agencies including, but not limited to, Social Services, the Local Authority (LA) or the Police.

Note: For more information and contact details of the Advanced Customer Support Senior Leader in each region see: Advanced Customer Support Senior Leaders.

19. A review date will be set to consider the next steps following the referral to the Advanced Customer Support Senior Leader.

20. Once all reasonable steps have been taken as outlined above, the referrer will then gather the relevant documentation so that the case can be sent to the DM.

21. This must include:

- details of advanced support steps taken such as referrals to other organisations, for example, the Police; and
- the outcome of the case conference and any subsequent actions

22. This will enable the DM to make an informed decision as to whether to disallow entitlement or apply a sanction taking into account the full circumstances of the case.

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