

# Benefit Sanctions

## Jobseeker's Allowance



### A factsheet for people claiming jobseeker's allowance

This factsheet is about what happens if you get a sanction when you are claiming jobseeker's allowance (JSA). It explains what a sanction is, how long you can be sanctioned for, and how to challenge a decision to sanction you. It also gives you advice about how to avoid sanctions.

#### What is a sanction?

A sanction is when your JSA stops being paid for a fixed period. It can last for anything from four weeks to three years depending on the reason for the sanction and whether you have had one before.



#### How much is the sanction?

If you are a single claimant the whole of your JSA payment is sanctioned and you will receive no benefit. However, if you are a joint-claim couple and your partner has not been sanctioned they can receive JSA at the rate of £73.10 per week, or £57.90 per week if they are under 25.

#### When can the Jobcentre apply a sanction?

If you are claiming JSA you can be sanctioned if the Jobcentre thinks that you are not taking the steps you need to in order to find work. You can also be sanctioned if you do not participate in a specific scheme to help you get back to work that it has been agreed you should do. However, before sending you on a back to work scheme your adviser should discuss the scheme with you and whether it is appropriate. They should also give you written notification setting out what you have to do and what happens if you don't.

#### When should the Jobcentre NOT apply a sanction?

You should not be sanctioned if you have a good reason for not doing what you were expected to do. This might be because of:

- Caring responsibilities;
- Sickness or ill health;
- Transport difficulties;
- Unreasonably high expenses;
- A domestic emergency;
- A conflicting appointment which is important;

- You did not know or were not told what you needed to do;
- Misunderstanding – perhaps because of language or literacy difficulties.

The Jobcentre should also not apply a sanction because you have not carried out a specific instruction on your claimant commitment so long as you can show that you are doing all you can to find work. For example, if your claimant commitment said you should apply for cleaning jobs but there were none available with hours that suited your childcare so you applied for retail jobs instead.

### Homelessness

If you are homeless and this affects your ability to look for work or attend a back to work scheme, this can be treated as a domestic emergency while you are seeking accommodation. Ask to see the adviser who deals with vulnerable customers.

### Does the sanction affect my other benefits?

You can still claim all your other benefits. However, the Jobcentre will let the local authority know that your JSA has stopped being paid. Your housing benefit and council tax reduction may be suspended. **You must let the local authority know what has happened so your housing benefit and council tax reduction can still be paid.** If you don't you may get into arrears with your rent or council tax.

You can contact the benefits service by phone on 0117 922 2300 or online at:

[www.bristol.gov.uk/changes-of-circumstance](http://www.bristol.gov.uk/changes-of-circumstance)

### Can I get any financial help while I am sanctioned?

You may be able to get hardship payments which are usually paid at 60% of the amount you have been sanctioned. However, you can only get hardship payments from the start of the sanction period if you are considered vulnerable which includes if you or your partner:

- Are pregnant
- Are looking after children or a qualifying young person (still in full-time education)
- Have a disability
- Have a long-term physical medical condition
- Are caring for someone who is long-term sick or disabled
- Are under 21 and in the last three years were being looked after by the local authority
- Are aged 16 or 17 in some circumstances

You should ask at the jobcentre to apply for hardship payments. If you are refused you can ask for a mandatory reconsideration of the decision and then appeal if necessary.



### What should I do if I have been sanctioned?

It is important that you do what you can to keep jobseeking while you are sanctioned. This

will help if you are challenging the decision and also make sure you are not sanctioned further.

### **How will I find out I have been sanctioned?**

If the Jobcentre decide to apply a sanction they should write to you and tell you why the sanction has been applied and your rights to challenge the decision. It is not uncommon for people to only find out they have been sanctioned when their money stops. If this happens insist on a letter.

### **How do I challenge a sanction?**

If think you have been sanctioned unfairly for any reason you should ask for a reconsideration of the decision. You should explain why you think the sanction is unfair eg if you have a good reason for not carrying out the activity or if the Back to Work Scheme is not suitable for you. You can download a sample letter here:

If the decision is not changed you should be given a 'Mandatory Reconsideration Notice' – this is a letter which explains why the decision has been made. You can appeal the decision to an independent tribunal. You will need to send a copy of the Mandatory Reconsideration Notice. The appeal form (SSCS1) is available from gov.uk:

<https://www.gov.uk/government/publications/notice-of-appeal-against-a-decision-of-the-department-for-work-and-pensions-sscs1>

### **Where to get help when I have been sanctioned?**

Foodbanks in Bristol –

- <http://northbristol.foodbank.org.uk/>
- <http://eastbristol.foodbank.org.uk/>
- <http://bristolnwfoodbank.org.uk/>



### **Tips and tactics to avoid sanctions**

- Make sure you tell your adviser about any health problems, caring responsibilities, or difficulties with transport that you have;
- If you have health problems, ask for an appointment with a Disability Employment Adviser (DEA)
- If there is anything on the claimant commitment that you would have difficulty with let your adviser know and try and suggest an alternative which is more suitable for you;
- Take a friend or family member with you when you see your adviser if it would help
- Ask for any information, agreements or appointments in writing;
- If you are unable to meet any requirement try and contact your adviser as soon as possible. If you speak to them on the phone follow it up in writing and keep a copy;
- Keep a record of any phone conversations – when they were and what was agreed.