

Skills Conditionality Toolkit

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Skills Conditionality Overview

1. From the 1st August 2011 all individuals claiming active benefits will be required to attend training as a condition of receiving benefits where a Jobcentre Plus adviser considers skills to be the main barrier preventing them from finding employment. **All referrals from Jobcentre Plus to training provision will be done on a mandatory basis and advisers will have no discretion.**

Skills Funding Agency

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An agency of the Department for Business, Innovation & Skills

2. This toolkit has been written by the Agency with guidance from Jobcentre Plus. It sets out the process and what expectations are placed on colleges and training organisations by both Jobcentre Plus and the Skills Funding Agency (the Agency).
3. The intended audience for this toolkit is any college or training organisation that wishes to work with Jobcentre Plus active benefit claimants.
4. Further information about skills conditionality can be found in Annex A of this document and by following this [link](#) to the skills conditionality page of the Department for Work and Pensions (DWP) website. Jobcentre Plus has also provided similar information internally to help partnership managers and advisers understand the changes.
5. Skills conditionality has been designed to help people get the training they need to find sustainable employment more efficiently by giving them the skills they need by mandating them to attend training. Should the claimant not attend as required they may face benefit sanctions. Where Jobcentre Plus does not feel the local skills offer meets the needs of local claimants or employers, they are free to source provision from whichever provider can best support their claimants back into the labour market. It is therefore important for colleges and training organisations that want to work in this area build constructive relationships with Jobcentre contacts in order to understand what the local priorities are so that they can develop a relevant offer.

Jobcentre Plus and Skills Funding Agency Protocol

6. It is in the best interests of claimants/learners for the FE and skills sector to work together in order to deliver the best outcomes for both individuals and for government. Jobcentre Plus and the Agency will work together to look at how they can best support each other whilst devolving responsibility to local level. A protocol is being developed to help support joint working between Jobcentre Plus, colleges, training organisations and Next Step contractors to achieve job outcomes.

The Skills Conditionality Process for Colleges, Training Organisations and Next Step

7. Annex A includes process maps to help provide a better understanding of how skills conditionality will work. These have been designed to highlight where the interactions happen between Jobcentre Plus, colleges, training organisations and Next Step providers, and what action is required at each stage in the process.

8. Individuals are mandated first to the initial skills assessment by Jobcentre Plus and then mandated a second time to attend the provision. Before an individual can be mandated to attend provision, the college or training organisation must confirm to Jobcentre Plus that they have a suitable fully-funded place available. Providers do not have the power to mandate individuals - this is done by Jobcentre Plus. Providers are expected raise doubts on attendance and participation with Jobcentre Plus and further information on this can be found in Annex A.
9. Colleges and training organisations are required, as part of their Agency contracts, to maintain accurate documentation to support funding claims and also respond in a timely way to requests for information from Jobcentre Plus. For all mandatory referrals attendance records are required and colleges and training organisations should speak with Jobcentre Plus to understand the responsibility placed on them.
10. To help streamline the process Jobcentre Plus is now able to share claimant information with skills providers and Next Step contractors without the need to obtain informed [consent](#) of the claimant. These powers relate to the sharing of paper-based information via secure postal transfer only.
11. Organisations dealing with the unemployed client group should no longer assume that individuals coming from Jobcentre Plus have consented to information sharing. Colleges and training organisations need to consider the implications of this for their business and respond to any queries. They also need to consider fair processing of data, and making customers aware of what they will use their data for.

Sanctioning Process

12. Learners who do not comply with the terms of their mandation can face benefit sanctions. These sanctions can last for 2, 4 or 26 weeks and Jobcentre Plus are responsible for administering this. Providers must ensure they complete the [Doubt Form \(skills 11\)](#) where they wish to dismiss the individual from the course or the individual has stopped attending. Provider must also ensure their ILR data accurately reflects the learner's progress.
13. Annex A provides some illustrative examples of reasons to use the Doubt Form to notify Jobcentre Plus that an individual has failed to comply with the terms of their mandation. Please note that this is not an exhaustive list and it is expected that colleges and training organisations will work with Jobcentre Plus in dealing with such situations.
14. It is recognised that there are some legitimate reasons for a mandated learner to miss training. The Jobcentre Plus guidance on conditionality

states that individuals may have up to three days of planned leave in any six week period. Further information on this can be found in Annex A.

15. Jobcentre Plus recognise the support and investment given by colleges and training organisations to individuals. Where an individual faces sanctions the preferred option is to return the learner back to the provider to complete the course. If this is not possible then Jobcentre Plus and the provider should work together to decide what will happen next.
16. The Agency recognises that on occasion it may be appropriate for a learner to change course and that this should not incur a sanction for the individual. Where a provider feels that this is appropriate, they must seek approval from Jobcentre Plus. If they are successful in this they may transfer learners as per the [ILR guidance](#).
17. If a person leaves training because they have been successful at finding employment, it is the responsibility of the individual to inform Jobcentre Plus as soon as possible. Providers should also ensure that they correctly complete the ILR, SL2 or Ref2 accordingly, noting any qualification and/or employment outcomes.

Next Step and Skills Conditionality

18. Where a Jobcentre Plus adviser feels that a customer's skills needs in relation to their job goals are unclear they may mandate a customer to attend an intervention with the [Next Step](#) service. If the individual has the skills they need in relation to their job goals or longer-term career aspirations the adviser will signpost them to Next Step.
19. Next Step will provide a skills action plan for the individual that is based on the conversation that they have had with them. This information will be returned to Jobcentre Plus and will be used in deciding whether or not mandation to training provision is required. If a skills barrier is identified, the individual will then be mandated to attend an initial provider interview.

Appropriateness of Provision

20. When working with Jobcentre Plus, colleges and training organisations should consider how their offer supports getting people into work as efficiently as possible. Both Jobcentre Plus and the Agency expect that colleges and training organisations will respond to this challenge by helping individuals to address the skills barriers that limit an individual's chance of securing any reasonable employment. Whilst higher level provision may be appropriate for some individuals we would expect that the majority of referrals will require either basic skills or short skills interventions relevant to the labour market.

21. Colleges and training organisations also need to decide upon the split between full-time and part-time courses based on the needs of the Jobcentre Plus offices they work with. For example, Jobcentre Plus may require more part-time short courses over the year and so providers need to consider how they could alter their delivery model to accommodate this.

Eligibility for Provision

22. Individuals on Job Seekers Allowance (JSA) or Employment and Support Allowance (ESA) (Work Related Activity Group (WRAG) will be given a referral letter by Jobcentre Plus where they are mandated to training. Jobcentre Plus will also ensure that the necessary referral notification is sent to the provider. For individuals who self-refer, providers should also ask for their “Proof of Benefit Letter”. Claimants can obtain this from the Jobcentre Plus [website](#) to enable them to provide evidence of eligibility to the Provider. In addition to the “Proof of Benefit Letter”, those on Employability Support Allowance may also be in receipt of a “Work Capability Assessment” indicating that they are in the Work Related Activity Group.
23. Eligibility for funding provision for mandated learners is set out in the Agency document [“Full and Part Learner Subsidies for Learners aged 19 years and older”](#) which has now been published. Where an individual is aged 18, providers will have to consider carefully if they have a fully funded place available before accepting them onto provision.
24. From August 2011, changes to fee remission policy will come into place. However, full funding remains in place for JSA and ESA (WRAG) and the Agency has also implemented job outcome incentive payments. It is hoped that these combined will increase the desire of colleges and training organisations to work in this area.
25. Further information on the changes to the fee remission can be found in [Guidance Note 6](#).
26. Further information on how Job Outcome Incentive Payments will operate can be found by reading [Guidance Note 8](#).

Individual Learner Record (ILR)

27. Providers dealing with mandated learners are required to ensure that their ILR submissions are dealt with in a timely manner. Providers should also note that they should ensure that they complete the **employment status**

monitoring type codes (which includes the job outcome element) to show that the learner is an active benefit claimant and also the outcome.

28. Further information on the ILR and the timetable for data collections can be found on the [Information Authority website](#).

Success Rate Calculations

29. Colleges and training organisations using their adult financial allocations to provide provision for the unemployed should ensure that they understand how the success rates are calculated and the implications to their business of different types of delivery.

30. The Agency has introduced flexibility into the mainstream funding to allow for the provision of fully funded units to those on active benefits. Providers should note that for the 2011/12 academic year this provision will not be in scope for success rate calculations.

Travel and Childcare Costs for Mandated Learners

31. Under skills conditionality all claimants who have been 'mandated' to training (whether on a full- or part-time basis) will [have their travel and childcare costs met by Jobcentre Plus](#). Advisers will also have discretion to pay such expenses for customers who access skills training on a voluntary basis.

32. Colleges and training organisations are expected to retain auditable attendance registers to support the accurate payment of benefits. The process of payment will be handled locally by Jobcentre Plus.

Skills Conditionality and the Work Programme

33. Colleges and training organisations should note that skills conditionality is not applied in the same way in pre-Work Programme and [Work Programme](#) phases of active benefit claimants. In the pre-Work Programme phase, Jobcentre Plus has control to design process, mandate individuals and apply sanctions. Once an individual has entered the Work Programme the prime contractor will assess each individual and will decide if skills are the first barrier that needs to be addressed.

34. Work Programme participants are eligible to access Agency funded provision including careers and skills advice. It is up to individual colleges and training organisations to decide if they wish to use their public funding to meet the needs of this cohort of learners, and this decision should be

made whilst considering the wider context of local demand for funded places. Next Step should consider if they can add value to the process particularly where the claimant has previously accessed the service.

35. The Work Programme phase has been commissioned on a 'black-box' model meaning that the prime contractors can work in any way that they feel will help their clients. Therefore colleges and training organisations must agree with the prime contractors on what the referral process and expectations are.

Skills conditionality and sector-based work academies

36. Skills conditionality will be applied to those individuals in the pre-Work Programme phase who wish to be trained through the sector-based work academies. If a claimant agrees that the sector-based work academy approach is suitable, they will be mandated.

Annex A: Communications


1. Skills Conditionality Fact sheet


SFA Skills
Conditionality Fact Sh

2. Skills Conditionality Process Map


Provider
Map_FINAL.ppt

3. Skills Conditionality Consultation


skills-conditionality-c
onsultation.pdf

4. Skills Conditionality Consultation Government Response


skills-conditionality-c
onsultation-response.

5. Jobcentre Plus provider guidance around raising doubts.





skills conditionality
provider guidance.pdf

6. Jobcentre Plus Adviser Guidance on Skills Conditionality


SC Adviser Brief
final.pdf

Note: Work is continuing on the development of the delivery protocol and the memorandum of understanding, when more information is available this will be communicated.

Annex B: Forms

Short Name	Document	Full Name and Instructions ¹
Ref2/Ref2JP	 Ref 2.pdf	<p>Referral Form</p> <p>This form is to notify skills providers of referrals from Jobcentre Plus. Organisations should expect to receive both pages of the form. Providers are required to complete Part 3 and return the top copy to Jobcentre Plus and retain the bottom copy for their own records. This form is important to Jobcentre Plus to track the individuals that they send to provision and the outcomes. It is important to inform Jobcentre Plus of any changes ASAP.</p>
SL2	 SL2.pdf	<p>Start/Leaver Notification</p> <p>This form may also be used by Jobcentre Plus to notify skills providers of a referral and contains details relating to both potential provision and also benefits. It is also used by Jobcentre Plus to track those that are referred. Providers use this form to notify Jobcentre Plus of the outcome of the learning. Jobcentre Plus is required to retain this form for audit purposes and therefore this form is extremely important. Jobcentre Plus will complete parts 1 and 2 respectively. Providers are required to return this form within with 48 hours. Parts 3 and 4 should be completed by the college or training organisation. Instructions on where to return the form are at the bottom of each page.</p>
Doubt Form	 Skills 11.pdf	<p>Doubt Form (also known as Skills 11)</p> <p>Providers are expected to contribute to the decision making process and must inform Jobcentre Plus if a mandated individual is removed from provision or stops attending. Further information on this form has been included in Annex A. This form is also important as if the learner fails to attend provision this may impact on their benefit status. Without notification from the provider there is potentially an overpayment of benefits which Jobcentre Plus will then have to reclaim, or the fraudulent claiming of benefits which is obviously illegal.</p>

¹ Jobcentre Plus may make changes to these forms and/or change the requirements for completing them.