



Benefit Sanctions

A Benefit Sanction is a penalty that is applied to payment of benefit where the claimant has not met all the conditions around continued entitlement to that benefit.

There are rules for all benefits but certain benefits require claimants to undertake specified actions on a more frequent basis – particularly Jobseekers Allowance and Employment and Support Allowance.

The amount of money that can be stopped or the time that benefit is reduced varies depending on the type of benefit and the condition that the claimant has not met.

Jobseekers Allowance

Everyone who claims Jobseekers Allowance will have certain general rules for jobseekers allowance relating to 'signing on' and availability for work that must also be satisfied. In addition each claimant will have a personal **jobseeking agreement** that has been devised and agreed between the claimant and the personal advisor at the jobcentre. This jobseeking agreement will specify the type of work that claimant is looking for, what action they will take to seek work, where they will look for job vacancies and how long they will spend on job seeking activity each week. Personal Advisors can direct claimants to apply for certain vacancies or arrange interviews that claimants are required to attend.

Failure to meet any of the general or specified conditions for Jobseekers Allowance, without 'good reason', or leaving a job voluntarily/due to gross misconduct can lead to a sanction being applied and payment of benefit being affected. A sanction could stop payments for between 4 and 156 weeks, or could end a claim.

Length of Job Seekers Allowance Sanction

The length of the sanction (that is the time that benefit payments are affected) depends on the severity of the failure to comply and also whether it is the first time.

Lower Level Sanction

A lower level of sanction is applied where the claimant fails to comply with general conditions of Job Seekers Allowance relating to signing on, jobseeking directions and employment programmes or training schemes.

The sanction will apply for a fixed period of four weeks, but where there is a second (or subsequent) failure for a lower level requirement this is extended to 13 weeks.

Middle Level Sanction

A middle rate sanction is applied where the claimant fails to meet the jobseeking conditions of being available for or actively seeking work.

The sanction will apply for a fixed period of four weeks, but where there is a second (or subsequent) failure for a lower level requirement within 52 weeks this is extended to 13 weeks.

Higher Level Sanction

A higher level sanction will apply where the claimant has failed to meet conditions relating to employment, including failing to apply for or take up a reasonable offer of employment or work placement or voluntarily giving up work or losing a job through misconduct

The sanction will apply for a fixed period of thirteen weeks, but where there is a second failure within a twelve-month period to comply with a higher-level requirement this is extended to 26 weeks. Should a claimant fail to comply with a high level requirement a third time in a one year period the sanction will apply for 156 weeks (three years).

As part of the introduction of Universal Credit the jobseeking agreement is being changed and renamed **the claimant commitment**. This will apply to all benefit claimants at different levels of conditionality, but in the first instance will be introduced for those who have a requirement to be available for and actively seek work.

Employment and Support Allowance

Although claimants are accepted as having a limited capability for work there are still certain conditions and rules that must be satisfied. Claimants are required to complete and return the 'ESA50' questionnaire and attend medical assessments as required. Failure to undertake these actions can result in claims being ended, unless claimants can show 'good cause' for not having completed the required action. *Please see our factsheets on the ESA50 Questionnaire and the Work Capability Assessment.*

Additionally, even where a claimant is accepted as having a limited capability for work they may still be required to participate in *work related activity*. This can involve attending appointments to discuss work preparation activity, completing specified actions, as directed by the personal advisor (at the Jobcentre or another outside contractor) or attending training sessions or work experience.

Failure to meet any of the requirements of work related activity, without 'good cause', could lead to payment of benefit being reduced by an amount equal to the single person's basic rate.

Length of Employment & Support Allowance Sanction

Payment of Employment & Support Allowance will be reduced by the prescribed amount until the condition has been met – ie the claimant has attended a work related appointment or taken part in specified work related activity. The sanction period is extended by a further period, depending on whether this is the first failure to meet the required conditions; this is:

- one week for the first failure,
- two weeks for a second failure within the previous year and

- four weeks for a third or subsequent failure within one year.

Appealing a Sanction decision

It is possible to challenge a decision to apply a sanction – for either Job Seekers Allowance or Employment & Support Allowance, where there is 'good reason' for having failed to comply with the any condition. This can be done by asking for a **mandatory reconsideration** and following the appeals process.

In view of the cumulative nature of sanctions it is worth considering registering a challenge and going ahead with an appeal to avoid any subsequent failure to comply being penalised more severely.

'Good Reason'

A sanction should not be applied where the claimant has 'good reason' for their actions or failure to act. There is no set definition of 'good reason' but should take into account the individual's circumstances – any disabilities or health problems, caring responsibilities, ability to correctly understand information or instructions or unreasonable impact (time or financial) of the requirements.

Hardship Payments

Where payment of benefit has been sanctioned the claimant should be able to apply for **hardship payments**, which is a reduced rate payments of benefit during the sanctioned period. The hardship payments may be recoverable from future benefit payments. You can find out more about hardship payments in our [factsheet](#).

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Community Law Service offer specialist benefit advice to assist with identifying benefit entitlement, claiming benefits, understanding benefit decisions and registering benefit challenges and appeal. We can offer appointments to give advice and assistance to prepare for benefit appeals.