

Chapter S4: Jobseeker's Allowance Sanctions - General principles

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Legislation Used Chapter S4

Abbreviation	Full title
JS (NI) Order 95	Jobseekers (NI) Order 1995 No. 2705
WR (NI) Order 15	Welfare Reform (NI) Order 2015 No. 2006
JSA Regs (NI) 16	Jobseeker's Allowance Regulations (NI) 2016 No. 218
UC Regs (NI) 16	The Universal Credit Regulations (NI) 2016 No. 216

Chapter S4: Jobseeker's Allowance Sanctions - General principles

Introduction

S4001 The Jobseekers (Northern Ireland) Order 1995 is amended by the Welfare Reform (Northern Ireland) Order 2015 to provide for the operation of New Style Jobseeker's Allowance. This is sometimes referred to as the New Style Jobseekers Order. The provisions for imposing sanctions on claimants for failure to comply with work-related requirements are set out in sections 8 to 8M of the Jobseekers (Northern Ireland) Order 1995 as amended by the Welfare Reform (Northern Ireland) Order 2015.

S4002 From 27.9.17, claims for and awards of Jobseeker's Allowance under the provisions as in force before amendments to remove income-based Jobseeker's Allowance will gradually be phased out. Legislation¹ provides for a benefit to be known as Jobseeker's Allowance which replaces the existing benefit of the same name. This chapter gives guidance in respect of the general principles relating to sanctions in new style Jobseeker's Allowance only (hereafter referred to as Jobseeker's Allowance).

Note: ADM Chapter M1 (Claims for Universal Credit) provides guidance on the meaning of new style Jobseeker's Allowance. The essential difference between Old Style Jobseeker's Allowance and New Style Jobseeker's Allowance is that there can be entitlement to the latter only on the satisfaction of contribution conditions. The role of what was formerly income-based Jobseeker's Allowance is taken over by Universal Credit as a separate benefit.

1 JSA Regs (NI) 16, reg 1(2)

S4003 Where a claimant fails to meet their responsibilities without good reason, their Jobseeker's Allowance may be reduced. This is known as a sanction. Legislation contains provisions relating to sanctions¹.

Note: For guidance on sanctions for awards of Jobseeker's Allowance before 27.9.17 see DMG Chapter 34.

1 JS (NI) Order 95, art 8J & 8K; JSA Regs (NI) 16, Part 3

Dual entitlement to Universal Credit and Jobseeker's Allowance

S4004 Where

1. the claimant is entitled to both Universal Credit and Jobseeker's Allowance **and**
2. a sanction is appropriate

the sanction will be applied against Universal Credit only¹.

Note: For guidance on sanctions in Universal Credit see ADM Chapters K1 - K9.

1 JSA Regs (NI) 16, reg 5(3)

Hardships

S4005 There are no hardship payments for New Style Jobseeker's Allowance claimants as they are in receipt of a contributory benefit. If hardship payments are required, the claimant must claim and be entitled to Universal Credit and a sanction must have been imposed. For full guidance on Hardship in Universal Credit see ADM Chapter L1.

Scope of Chapter

S4006 This Chapter gives guidance on

1. terms that are used throughout the ADM Chapters on Jobseeker's Allowance sanctions (S4011 - S4020)
2. the general principles on Jobseeker's Allowance sanctionable failures (S4026 - S4030)
3. when a reduction is to have effect (S4036 - S4052)
4. the termination of a reduction (S4056 - S4058)
5. the amount of a reduction (S4061)
6. the daily reduction rate (S4062)
7. sanctions where Universal Credit ends and the person is entitled to Jobseeker's Allowance (S4066)
8. the public law principles of fairness (S4081).

S4007 – S4010

Definitions

Meaning of higher-level sanction

- S4011 A higher-level sanction¹ is a sanctionable failure (see S4016) where a claimant
1. fails for no good reason to comply with a work preparation requirement to undertake a specified work placement² **or**
 2. fails for no good reason to comply with a work search requirement to apply for a particular vacancy for paid work³ **or**
 3. fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work⁴ **or**
 4. by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay⁵.

Note: See ADM Chapter R4 for guidance on Claimant responsibilities: Work Requirements, Chapter K2 for guidance on good reason, and Chapter S5 (Jobseeker's Allowance Higher-level sanctions) for detailed guidance on failures to comply with a work preparation requirement, failures to apply for or take up a vacancy and voluntarily or through misconduct ceases or loses paid work.

*1 JS (NI) Order 95, art 8J; JSA Regs (NI) 16, reg 20; 2 JS (NI) Order 95, art 8J(2)(a);
3 art 8J(2)(b); 4 art 8J(2)(c); 5 art 8J(2)(d)*

Meaning of low-level sanction

- S4012 A low-level sanction¹ is a sanctionable failure (see S4016) where a claimant fails to comply for no good reason with a
1. specified work preparation requirement² **or**
 2. work search requirement for the purpose of obtaining paid work, more paid work or better paid work³ **or**
 3. requirement to participate in an interview for any purpose relating to a work-related requirement⁴.

Note: See ADM Chapter R4 for guidance on Claimant responsibilities: Work Requirements, ADM Chapter K2 for guidance on good reason and ADM Chapter S7 for detailed guidance on low-level sanctions.

*1 JSA Regs (NI) 16, reg 18; JS (NI) Order 95, art 8K; 2 art 8K(2)(a);
3 arts 8K(2)(a) & 8C(1); 4 arts 8K(2)(a) & 8B(1)*

Meaning of medium-level sanction

S4013 A medium level sanction¹ is a sanctionable failure (see S4016) where a claimant fails to comply with a

1. work search requirement under relevant legislation² to take all reasonable action to obtain paid work **or**
2. requirement to be available for work under relevant legislation³.

Note: See ADM Chapter R4 for guidance on Claimant responsibilities: Work Requirements and ADM Chapter S6 for detailed guidance on medium-level sanctions.

1 JSA Regs (NI) 16, reg 18; JS (NI) Order 95, art 8K; 2 art 8D(1)(a); 3 art 8E(1)

Meaning of pre-claim failure

S4014 A pre-claim failure means a sanctionable failure (see S4016) where a claimant fails

1. without good reason to take up an offer of paid work **or**
2. by reason of misconduct or voluntarily and for no good reason ceases or loses paid work¹.

Note: For detailed guidance on pre-claim failures see ADM Chapter S5 (Jobseeker's Allowance Higher-level sanctions).

1 JS (NI) Order 95, art 8J(3)

Meaning of reduction period

S4015 The reduction period is the number of days for which an award of Jobseeker's Allowance is reduced for each sanctionable failure¹ (see S4016).

Note: For detailed guidance on reduction periods see S4026 et seq.

1 JSA Regs (NI) 16, reg 18

Meaning of sanctionable failure

S4016 A sanctionable failure is a failure that has incurred a sanction under relevant legislation¹.

Note: See S4021 for the meaning of current sanctionable failure.

1 JSA Regs (NI) 16, reg 18; JS (NI) Order 95, arts 8J & 8K

S4017 Sanctionable failures can result in a reduction of Jobseeker's Allowance at the higher, medium or low-level¹. In some cases no reduction is applied² (see ADM Chapter S5 - Jobseeker's Allowance Higher-level sanctions).

1 JSA Regs (NI) 16, reg 18; 2 reg 29

S4018 Where a failure is a sanctionable failure, the claimant's award of Jobseeker's Allowance is normally reduced. The period and amount of reduction depends on¹

1. which work-related requirement the claimant failed to comply with **and**
2. the number of sanctionable failures **and**
3. the period between failures.

Note: See ADM Chapter S5 for detailed guidance on Jobseeker's Allowance Higher-level sanctions, ADM Chapter S6 for Jobseeker's Allowance Medium-level sanctions and ADM Chapter S7 for Jobseeker's Allowance Low-level sanctions.

1 JS (NI) Order 95, arts 8J & 8K

Meaning of total outstanding reduction period

S4019 The total outstanding reduction period is the total number of days of a reduction period for which an award of Jobseeker's Allowance has not yet been reduced¹. This includes all sanctions that have not yet been applied, i.e. higher-level, medium-level, low-level and reductions transferred from Universal Credit (see S4026 et seq for guidance on calculating reduction periods).

1 JSA Regs (NI) 16, reg 18

Meaning of Universal Credit sanctionable failure

S4020 A Universal Credit sanctionable failure means a failure by a claimant which is sanctionable under Universal Credit legislation¹.

Note: For guidance on Sanctions on an award of Universal Credit see ADM Chapters K1 - K9.

1 JSA Regs (NI) 16, reg 18; WR (NI) Order 15, arts 31 & 32

Meaning of current sanctionable failure

S4021 Current sanctionable failure¹ means a failure which the Department has not yet determined is to be reduced under relevant legislation².

1 JSA Regs (NI) 16, reg 18; 2 JS (NI) Order 95, arts 8J & 8K

S4022 – S4025

General principles for calculating reduction periods

Reduction period

S4026 [See **ADM Memo 14/19**] The reduction period is the number of days for which an award of Jobseeker's Allowance is reduced for each sanctionable failure¹ (see also S4015).

Note 1: Depending on the circumstances in which the failure occurs the reduction period that applies is provided for in a table for each level of sanctions². The circumstances of the failure are described in the first column of each table and has effect for the period set out in the second column.

Note 2: It is the date of the failures that determines which reduction period applies, i.e. the period between the date of the current sanctionable failure and the most recent previous sanctionable failure, not the dates of the decision makers' decisions. (For definitions of sanctionable failure see S4016 and for current sanctionable failure see S4021.)

Note 3: Where there have been previous sanctionable failures at the same level and the most recent previous failure is within 14 days of the current sanctionable failure the reduction period that applies will not escalate to the next level. A sanction will apply but at the same level as the relevant previous most recent sanction.

1 JSA Regs (NI) 16, reg 19(1); 2 JS (NI) Order 95, arts 8J & 8K; JSA Regs (NI) 16, reg 20, reg 21 & reg 22

S4027 Reduction periods run consecutively¹, i.e. one sanction period follows immediately after the other. If it is determined that an award of Jobseeker's Allowance should be reduced as a result of a sanctionable failure, and a reduction has already been imposed for a previous sanctionable failure, the later reduction is added to the total outstanding reduction period, and takes effect once the previous reduction has ended.

1 JSA Regs (NI) 16, reg 19(2)

Example

Sue has had several different sanctions imposed for failure to comply with work-related requirements since her entitlement to Jobseeker's Allowance began on 15.8.18. She had a higher-level sanction of 91 days imposed on 9.10.18, because she left her part-time job voluntarily for no good reason. Sue later refused to apply for a job vacancy on 19.12.18, and a further higher-level sanction of 182 days was imposed. The reduction period for the failures began on 15.9.18, and is due to end on 14.6.19.

After Sue failed to apply for a further job vacancy on 12.5.19, the decision maker decides on 20.5.19 to impose a further higher-level sanction. This ought to be for 546 days, as there was a previous 182 day higher-level sanctionable failure within 365 days. However, as at 20.5.19 the total outstanding reduction period is 25 days that is the number of days for which Sue's award of Jobseeker's Allowance has not yet been reduced. The decision maker therefore imposes a reduction period of 521 days, effective from 15.6.19.

S4028 The reduction period depends on whether the sanctionable failure results in a

1. higher-level sanction¹ (see ADM Chapter S5) **or**
2. medium-level sanction² (see ADM Chapter S6) **or**
3. low-level sanction³ (see ADM Chapter S7).

1 JSA Regs (NI) 16, reg 20; 2 reg 21; 3 reg 22

S4029 Reduction periods can be for

1. an open period until the claimant meets a compliance condition **or**
2. a fixed period **or**
3. a combination of both.

Higher and medium-level sanctions are for a fixed period, low-level sanctions have a combination of an open period until compliance, followed by a fixed period.

Note: See ADM Chapters S5 - S7 for further specific examples in relation to higher, medium and low-level sanctions.

Maximum reduction period

S4030 Where imposing a reduction period for a sanctionable failure would mean that the total outstanding reduction period (see S4019) would exceed 546 days, the number of days in the reduction period is adjusted to ensure that this limit is not exceeded¹. The calculation of the total outstanding reduction period is made at the date when the decision maker makes the determination of the reduction period.

Note: This guidance relates specifically to the total outstanding reduction period and should not be confused with the maximum duration period for any individual higher-level sanction period which from 27.11.19 is 182 days (see further guidance in ADM Chapter S5).

1 JSA Regs (NI) 16, reg 19(3)

Example

See the example at S4027. On 1.9.19 Sue refuses without good reason to apply for an advertised vacancy and on 5.9.19 the decision maker decides a further higher level sanction should be applied. This ought to be for 546 days as there was a previous 182 day higher level sanctionable failure within 365 days. However as at 5.9.19 when the decision maker makes the determination the total outstanding reduction period is 439 days (this is the number of days for which Sue's award of Jobseeker's Allowance has not yet been reduced, i.e. the 521 total reduction period outstanding at 15.8.19 minus 82 days for the period served from 15.6.19 to 5.9.19). The decision maker therefore imposes a reduction period of 107 days. The total outstanding reduction period will be 546 days effective from 6.9.19.

S4031 – S4035

When a reduction is to have effect

Start of the reduction period

- S4036 The reduction period takes effect from the first day of the
1. benefit week in which the sanctionable failure occurred where the claimant has not been paid Jobseeker's Allowance¹ **or**
 2. first benefit week for which the claimant has not been paid Jobseeker's Allowance² **or**
 3. first benefit week in which the award is no longer subject to a reduction¹ if the Jobseeker's Allowance award is already subject to a reduction as in **1.** or **2.**³.

The reduction period determination is incorporated in a supersession decision which takes effect from the same date. See also ADM Chapter A4 (Supersession) for guidance on the supersession effective date rules.

Note: The definition of benefit week⁴ can be found in ADM Chapter S2.

1 JSA Regs (NI) 16, reg 23(a); 2 reg 23(b); 3 reg 23(c); 4 reg 2(2)

Example 1

On 15.7.18 Jamil fails to attend an interview with a Work Programme provider as required. On 31.7.18 the decision maker determines Jamil failed without good reason to participate with a work-related requirement and imposes a sanction. Jamil's benefit week ends on a Wednesday and he was last paid Jobseeker's Allowance to 18.7.18. The reduction period begins on 19.7.18.

Example 2

On 10.6.19 Anila fails to comply with a requirement to join a job club. On 3.7.19 the decision maker determines that Anila failed without good reason to comply with a work-related requirement and imposes a low-level sanction. Anila joined the job club on 21.6.19 and a reduction period of 19 days is appropriate (12 days of non-compliance plus 7 days for a first lower level failure). Anila's benefit week ends on a Monday. On checking Anila's records a higher level sanction of 91 days is already imposed on her Jobseeker's Allowance from 28.5.19 - 26.8.19. The reduction period for the failure in question will begin on 27.8.19. The total outstanding reduction period on 3.7.19 is 73 days.

S4037 – S4040

Reduction period to continue where Jobseeker's Allowance award terminates

S4041 If an award of Jobseeker's Allowance terminates while there is an outstanding reduction period, the reduction period continues to run as if a daily reduction were being applied¹. If the claimant becomes entitled to a new award of Jobseeker's Allowance before the period expires, that award is subject to a reduction for the remainder of the total outstanding reduction period².

Note 1: All sanctions run consecutively, see the guidance at S4027.

Note 2: See S4046 where the award of Jobseeker's Allowance terminates before a determination to sanction is made.

1 JSA Regs (NI) 16, reg 24(1)(a); 2 reg 24(1)(b)

Example

Jonathan is entitled to Jobseeker's Allowance and has a 91 day reduction period imposed on his Jobseeker's Allowance award from 12.5.19 - 10.8.19.

On 2.6.19 Jonathan starts a 2 month temporary work contract. His award of Jobseeker's Allowance terminates from 2.6.19.

He finishes work on 1.8.19 and re-claims Jobseeker's Allowance on 4.8.19.

A 7 day reduction period will be imposed on his new award for the balance of the outstanding reduction period as follows:

1. sanctionable days already served 12.5.19 - 2.6.19 = 21 days.

70 days in total outstanding reduction period **minus**

2. period off Jobseeker's Allowance 2.6.19 - 3.8.19 = 63 days.

7 days balance in the total outstanding reduction period will be imposed on the new award of Jobseeker's Allowance.

S4042 – S4045

Award terminates before determination made

S4046 If an award of Jobseeker's Allowance terminates

1. before the decision maker determines that the award will be subject to a reduction **and**

2. that determination is made **after** the claimant becomes entitled to a new award of Jobseeker's Allowance

the reduction period in relation to that failure is to have effect as if the determination had been made on the day **before** the previous award of Jobseeker's Allowance terminated¹.

Note 1: In effect the decision to sanction is delayed or 'reserved' because the claimant does not have a current claim to Jobseeker's Allowance, but anytime away from benefit is treated as served towards the reduction period if the claimant reclaims Jobseeker's Allowance a sanction is appropriate.

Note 2: The date the reduction period starts will depend on whether the claimant has already been paid².

1 JSA Regs (NI) 16, reg 24(2); 2 reg 24(3)

Example

Josie makes a new claim to Jobseeker's Allowance on 16.10.19. Her previous award of Jobseeker's Allowance terminated on 30.7.19. When her previous award terminated there was an outstanding determination for a failure to apply for an advertised vacancy. The decision maker determines that a 91 day reduction period would have been appropriate. The 91 day reduction period is calculated from 29.7.19 - 27.10.19. Josie will serve a 12 day reduction period on her new claim to Jobseeker's Allowance.

S4047 – S4050

Suspension of a reduction where a fraud penalty applies

- S4051 A reduction period for a sanctionable failure is suspended for any period during which a fraud penalty also applies to that award of Jobseeker's Allowance¹.

Note: For detailed guidance on fraud penalties see ADM Chapter B2 Restrictions on payment of benefit - benefit offences.

1 JSA Regs (NI) 16, reg 25(1)

- S4052 The reduction

1. ceases to have effect on the day on which the period of the fraud penalty begins **and**
2. begins again on the day after that period ends¹.

1 JSA Regs (NI) 16, reg 25(2)

Example 1

On 8.12.19 Mo fails without good reason to comply with a work preparation requirement and the decision maker decides to impose a low-level sanction for a reduction period of 9 days (2 days non-compliance, followed by a 7 day fixed period) for a first low level failure.

Mo already has a fraud penalty imposed on his Jobseeker's Allowance of 26 weeks which is due to expire on 4.3.20. The reduction period is suspended and can be imposed from 5.3.20.

Example 2

Mary has a 182 day reduction period imposed on her Jobseeker's Allowance from 6.1.20. On 15.4.20 a fraud penalty of 26 weeks is imposed on her award of Jobseeker's Allowance. The reduction period is suspended from 15.4.20 - 13.10.20. An 83 day reduction period will be imposed, which is the balance of the reduction period still to be served, from 14.10.20, the day after the fraud penalty ends.

S4053 – S4055

When a reduction is to be terminated

S4056 A reduction imposed for a sanctionable failure will be terminated where, since the date of the most recent sanctionable failure which resulted in a reduction being imposed, the

1. claimant has been in paid work for
 - 1.1 a period of at least 26 weeks **or**
 - 1.2 at least one period of employment where the total of those periods amounts to more than 26 weeks¹ **and**
2. claimant's weekly earnings are at least equal to their expected number of hours per week multiplied by the national minimum wage which would apply for a person of the claimant's age² (see ADM Chapter R4 for guidance on expected hours).

1 JSA Regs (NI) 16, reg 26(1); 2 reg 26(3)

S4057 The termination of the reduction has effect from the beginning of the

1. benefit week in which the conditions in S4056 fall **or**
2. first benefit week in relation to any subsequent award where the conditions in S4056 fall outside a period of entitlement to Jobseeker's Allowance¹.

1 JSA Regs (NI) 16, reg 26(2)

Example

On 19.11.19 Adok fails without good reason to comply with a requirement to attend a placement and on 27.11.19 the decision maker determines a 546 day reduction period is to be imposed on his award of Jobseeker's Allowance as this is Adok's second higher level failure. Adok's benefit week ends on a Monday and he was last paid Jobseeker's Allowance to 18.11.19. The reduction period is imposed from 19.11.19.

On 3.1.20 Adok starts work. His award of Jobseeker's Allowance terminates 3.1.20.

On 2.10.20 Adok makes a further claim to Jobseeker's Allowance. His contract of employment ended on 1.10.20.

The balance of the previous sanctionable failure outstanding on the previous award of Jobseeker's Allowance cannot be applied to his new award as Adok has been in employment for more than 26 weeks and his earnings meet the conditions in S4056 **2.**

S4058 – S4060

Amount of the reduction for each benefit week

S4061 Where it is determined that an award of Jobseeker's Allowance is to be reduced because of a sanctionable failure, the amount of the reduction for each benefit week in respect of which a reduction has effect is calculated as follows¹

1. take the number of days in
 - 1.1 the benefit week **or**
 - 1.2 if lower, in the total outstanding reduction period (see S4019) deducting any days in that benefit week for which the reduction is suspended (see S4051)
2. multiply the number of days at 1. by the daily reduction rate (see S4062) **and**
3. deduct the amount produced from 2. **and** 3. from the amount of the award for the benefit week.

1 JSA Regs (NI) 16, reg 27

Daily reduction rate

S4062 The daily reduction rate is the applicable amount appropriate to the claimant¹

1. multiplied by 52 **and**
2. divided by 365².

Note 1: The daily amount calculated is rounded down to the nearest 10 pence³.

Note 2: See ADM Chapter S1 (Amounts of Jobseeker's Allowance and part weeks) for guidance on applicable amounts.

1 JSA Regs (NI) 16, reg 49; 2 reg 28(1); 3 reg 28(2)

Example 1

Brad, who is aged 23, is awarded Jobseeker's Allowance. On 26.3.19 the decision maker determines that Brad had no good reason for not complying with a work search requirement and a 28 day reduction of Jobseeker's Allowance is imposed for a first medium-level sanctionable failure.

The daily rate of reduction is £8.00 ($£56.80 \times 52 \div 365$).

Brad's benefit week ends on a Monday and he was last paid Jobseeker's Allowance to 18.3.19. The first benefit week for which a reduction can be imposed is from 19.3.19.

The amount of the reduction for that week and the three weeks following is calculated as the number of days in the benefit week i.e. 7 days x £8.00 (the daily reduction rate) = £56.00.

Example 2

Justine is aged 27 years and claims Jobseeker's Allowance. Her benefit week ends on a Thursday.

On 8.11.18 the decision maker determines that Justine has failed without good reason to comply with a specified action as part of a work search requirement. Justine has no previous low-level sanctionable failures so the decision maker imposes a sanction of 6 days for the period of non-compliance and a further 7 days (fixed period) following compliance.

Justine already has a higher-level sanction imposed on her Jobseeker's Allowance award of 91 days which still has 30 days outstanding. The new total outstanding reduction period is 43 days as all sanctions run consecutively.

The daily reduction rate is £10.20 ($£71.70 \times 52 \div 365$). Justine was last paid Jobseeker's Allowance up to 1.11.18.

The amount of the reduction for the benefit week starting on 2.11.18 and the next 5 weeks is calculated as the number of days in the benefit week of 7 days x £10.20 (the daily reduction rate) = £71.40.

For the benefit week starting on 14.12.18 the amount of the reduction is calculated as the total outstanding reduction period of 1 day (i.e. the balance of days that remain to be served) x £10.20 = £10.20.

S4063 – S4065

Sanctions where Universal Credit ends and the person is entitled to Jobseeker's Allowance

S4066 Where

1. the claimant's award of Universal Credit is terminated **and**
2. a higher, medium or low-level sanction is imposed¹ **and**
3. the claimant is entitled to Jobseeker's Allowance

any reduction of the Universal Credit award is applied to the Jobseeker's Allowance award².

1 WR (NI) Order 15, arts 31 & 32; 2 JSA Regs (NI) 16, reg 30(1) & (2)

Period of the reduction

S4067 Where S4066 applies, the period for which Jobseeker's Allowance is reduced is the number of days for which the Universal Credit sanction applied after deducting any days which

1. have already resulted in a reduction of the amount of Universal Credit¹ **or**
2. fall after the last day of Universal Credit entitlement and the first day of Jobseeker's Allowance entitlement².

1 UC Regs (NI) 16, regs 99 - 101; 2 JSA Regs (NI) 16, reg 30(3)

Daily reduction rate

S4068 Where S4066 applies, the daily reduction rate for Jobseeker's Allowance is calculated in the same way as for a Jobseeker's Allowance sanction¹. See S4062 for further guidance.

1 JSA Regs (NI) 16, reg 30(4)

Amount of reduction

S4069 Where S4066 applies, the amount of the reduction of Jobseeker's Allowance is the number of days in S4067 x the daily reduction rate in S4068¹.

1 JSA Regs (NI) 16, reg 30(5)

S4070 – S4080

The public law principles of fairness

S4081 When deciding sanctions cases the decision maker must consider

1. whether the work-related requirement was validly imposed in the first place in line with the public law principles of fairness¹ **and**
2. secondly, the issue of good reason for failing to comply.

1 SSWP v Reilly and Hewstone and SSWP v Jeffrey and Bevan [2016] EWCA Civ 413

S4082 The judgement provided that in the general interest of fairness

1. each claimant's responsibilities **and**
2. the consequences of not meeting them

should be set out clearly in understandable terms at the stage of specification of particular actions or activities so that claimants can make informed and meaningful representations.

Note 1: The amount and quality of information provided to the claimant will be crucial to whether a sanction can be imposed. Failure to meet the obligation to adequately notify the claimant may result in the Department having failed to validly impose a work-related requirement and no sanction for failing to comply could apply regardless of the reason for failure.

Note 2: Full guidance on the public law principles of fairness can be found in ADM Chapter K1 (Sanctions - general principles). All the guidance is equally applicable to Jobseeker's Allowance notifications, work-related requirements and sanctions. For guidance on good reason see ADM Chapter K2.

S4083 – S4999

The content of the examples in this document (including use of imagery) is for illustrative purposes only