

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: VTR IR640

9 September 2013

Dear Jason Davies,

Thank you for email of 6 August 2013 asking for clarification of the response DWP provided to your original FOI request (Fol 3348) on 22 July 2013, and apologise for the delay in responding to you.

Your letter says:

"Thank you for your response but I believe it may be open to interpretation and therefore would like some clarification.

You state: "However, a Jobseeker's Allowance claimant may be issued with a Jobseeker's Direction, requiring them to take a reasonable, specific activity that will help them find work, e.g. getting a CV, telephone number or email address will help a claimant get a job."

My interpretation of this, in light of your first statement: "Providing a CV, email address or telephone number is not mandatory, therefore is not sanctionable." is that while a jobseeker may be mandated to create or possess a CV, a telephone number and an email address if it is reasonable in their circumstances, that they cannot however be mandated to give or show or reveal their CV, their telephone number and their email address to the Jobcentre/adviser and would not be subject to a sanction for refusing to do so. Is this correct?

Furthermore a jobseeker's email address becomes available to the Jobcentre when a jobseeker has created a Universal Jobmatch account even if the jobseeker has not given access to their account. This is corroborated by the fact that this is the default method of locating a jobseeker's UJM account, as specified in the UJM Toolkit (point 8, chapter 3). Therefore, if there is no mandatory requirement to provide the Jobcentre with their email account and consequently the jobseeker chooses not to provide this information, surely this provides reasonable grounds for a jobseeker to refuse to register with Universal Jobmatch? To be clear, I am not seeking opinion on this matter but would like a clear statement as to whether a jobseeker may reasonably refuse to register with Universal Jobmatch for the reason previously stated.

To put this another way, the usual reason given by the DWP for being able to mandate a jobseeker to create a Government Gateway account is that creating a Universal Jobmatch account is reasonable and this can't be done without first creating a Government Gateway

account. But if, as stated in your reply, a jobseeker cannot be mandated to provide his email address then how can he reasonably be mandated to create a Government Gateway account and subsequently a UJM account? Again I am not seeking opinion but a reasoned response, preferably supported by relevant legislation.”

DWP response

Your original request was not an FOI request because it didn't ask for recorded information - it simply asked questions which would require answers to be generated. DWP is not required to answer such questions under the FOI regime. However, in order to be helpful we aimed to answer the questions you asked. We should have explained that to you in the original response

That said, the information we sent to you on 22 July was open to interpretation so I am happy to provide clarification.

1. The first two paragraphs of our response of 22 July were intended to explain the following: DWP is not able to mandate JSA claimants (using a Jobseeker's Direction or otherwise) to provide their adviser with information for example, their telephone number or email address where taking such a step will not help the claimant to find employment or improve their chances of doing so. However a Jobseeker's Direction can be used to require a claimant to undertake reasonable activities which will assist the claimant to find employment or improve their chances of doing so. A Jobseeker's Direction could therefore be used to require a JSA claimant to obtain an email address if this would be reasonable in the claimant's circumstances and would improve the claimant's chances of finding work.

2. As explained, claimants must demonstrate that they have complied with a Jobseeker's Direction issued to them. For this purpose they must provide evidence to their adviser to show what they have done. If the claimant has been asked to obtain an email address, they will need to provide evidence sufficient to show that they have done so. Where their adviser considers the claimant's evidence is insufficient to prove they have complied with the Jobseeker's Direction, they will refer the case to a decision maker for them to determine whether the claimant has complied with the Direction. Failure to comply with a reasonable Jobseeker's Direction without good cause will affect the claimant's JSA.

3. DWP considers that it is generally reasonable to require Jobseekers Allowance claimants to create a Universal Jobmatch profile and to upload a public CV on the UJ service, by issuing a Jobseeker's Direction to the claimant under section 19A(2) of the Jobseekers Act 1995, even though this requires the claimant to provide their email address (in order to register for a Government Gateway account and when creating a UJ profile). Before issuing such a Direction to a claimant, their adviser must assess whether the Direction is reasonable, taking the claimant's circumstances into account. The Jobseeker's Direction must be given with a view to assisting the claimant to find employment or improving their chances of doing so.

4. Whilst it is correct that DWP advisers are able to see the names and email addresses of people who have created a UJ profile, they are not able to conclude that a particular person named is a particular JSA claimant, or that the email address belongs to a particular claimant unless the claimant provides the adviser with their email address or other information to confirm that they are the account holder – e.g. the telephone number they provided when

creating the account (or, if known by the account holder, their UJ account ID), or the adviser already holds that information. DWP advisers are not able to access JSA claimants' UJ accounts unless the claimant has ticked the box within UJ to give DWP advisers access.

5. If a JSA claimant has been mandated to create a UJ profile and upload a CV onto UJ they will need to provide sufficient information to their adviser to prove that they have complied with the requirement. The claimant could do this by logging into their account at the Jobcentre and showing their adviser UJ screens or by printing off relevant screens to show their adviser. If the adviser is not satisfied with the evidence provided by the claimant, they will refer the matter to a decision maker for a determination.

I hope that the above information helps to provide clarification of DWP's original response on the points raised in your letter of 6 August.

DWP Central FoI Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwpgsi.gov.uk or by writing to DWP, Central FoI Team, Caxton House, Tothill Street, London, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk