

DWP Central Freedom of Information Team

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

Our Ref: VTR 3785

DATE: 21 August 2013

Dear Jason Davies,

Thank you for your Freedom of Information request received 10 August. You asked;

"In this FOI response:

<https://www.whatdotheyknow.com/request/149334/response/364474/attach/html/2/Fol%20654%2027.02.13.pdf.html> it is stated that: Our regulations allow that where a claimant has done all that could reasonably be expected of them - for example they have applied for all suitable jobs and undertaken all the activities set out in their work search and work preparation plan - this may be considered sufficient even where the time taken was less than the hours expected. Please provide the regulations/legislation which specify and/or enable this consideration. Please provide any guidance/legislation/regulation which specifies how the time spent by a jobseeker in their job search activities will be monitored. Also, please provide the legislation which mandates a full-time job search requirement of 35 hours per week.

Additionally there is anecdotal evidence on various forums to suggest that some jobseekers are being required to jobsearch on a daily basis for seven days each week (i.e. every day of the week) on an ongoing basis.

I am unaware of any full-time employment which, on an ongoing basis, requires the employee to work every day of every week without remit. In this context please provide the legislation which enables the DWP to enforce daily job search activity on an ongoing basis."

The Freedom of Information Act 2000 does not require us to provide any information that can be considered reasonably accessible to you. Please see section 21 of that Act. The Universal Credit Regulations 2013 covers the scope of your request. Parliamentary legislation is available to everyone free of charge and can be found at www.legislation.gov.uk. If you do not have access to the internet at home, access is available through your local library.

We hope the following information will be useful to you:

We consider it reasonable to expect that work search activity will take up the majority of a claimant's time – normally 35 hours a week. Within this expectation we will take account of any work preparation activity being undertaken. We will not specify that a claimant must do work search each week day and, whilst they must meet their requirements, a claimant is free to organise what they do with their own time and managing their worksearch within this.

However, we do encourage claimants to make a plan of what they will do and when and some activities may also be focused on particular days. For example many local newspapers or trade magazines have set days when jobs are advertised. Work search expectations will differ for each claimant depending on their individual circumstances and job goals and advisers will tailor requirements for each claimant. Our regulations allow that where a claimant has done all that could reasonably be expected of them - for example they have applied for all suitable jobs and undertaken all the activities set out in their work search and work preparation plan - this may be considered sufficient even where the time taken was less than the hours expected.

Your request asks us to provide 'guidance' which specifies how the time spent by claimants in work search activities will be monitored. Knowledge Management (KM) is the guidance available to support operational Universal Credit staff in setting work search requirements. It is available in the Universal Credit Pathfinder only and is not accessible to all frontline Jobcentre Plus staff. It should be noted that the guidance is not intended to detail interpretation of specific sections of the Welfare Reform Act, instead it provides overall guidance on setting work related requirements within the powers of the Act and Universal Credit Regulations. Policy intent is therefore included in some of the KM products where it is appropriate to that particular piece.

Below is text which is included on the 'internal' Knowledge Management content that is most relevant to your specific request. The information is for Universal Credit staff such as advisers and those conducting work search reviews in the Pathfinder offices.

Review of Work Preparation actions

Work Preparation activities should be reviewed. If any are at / past their review date, check if the claimant has completed them. If they have, update the claimant record.

If they have not, agents with correct permissions should refer to a Decision Maker for consideration of whether a sanction should be applied. Where appropriate, the claimant should be reminded that Universal Credit may be cut for every day until they undertake the required action or until they undertake an alternative activity they have been notified of by their adviser.

If any new Work Preparation activities have been identified, agents with correct permissions should update the claimant record

Other Work Related Activities should be reviewed. If any are past their review date, check if the claimant has completed them. If they have completed them, update the claimant record. If they have not completed them, see if there are any 'Other Work Related Activities' to add, delete or edit, agents with correct permissions can update the claimant record. If there are any

'Other Work Related Activities' to add, delete or edit, agents with correct permissions can update the claimant record.

Review of Work Search activities

Both Universal Jobmatch Work Search and Work Preparation activities and non- Universal Jobmatch Work Search and Work Preparation activities should be reviewed.

All available Work Search evidence should be considered, including the claimant's Universal Jobmatch account, any Claimant Commitment Pack or diary / record the claimant has kept of their activities, print outs of jobs they have applied for, letters from employers and copies of updated CVs.

If the claimant has completed all activities set out in their Claimant Commitment, they have met their requirements and their claimant record should be updated.

Consideration should be given as to whether their work preparation and work search activity fell below the claimant's required Expected Hours for Work Search. If it did, agents with correct permissions should be asked to review these requirements and consider whether the Claimant Commitment should be reviewed.

If claimant has not completed all work search activities, consider whether the claimant has nonetheless done all that they reasonably could to find paid work in that week (taking into account time spent undertaking work preparation or other agreed activities). If they have, then the claimant has met their work search requirements.

Consideration should also be given as to whether an agent with correct permissions should be asked to review whether the requirements set out on the Claimant Commitment should be reviewed in light of experience.

If the claimant has not done all that they reasonably could to search for work in that week a referral should be made to a Decision Maker for consideration of whether a sanction should be applied. Referrals should not be made where a claimant does not undertake an individual work search activity (such as a claimant not checking Universal Jobmatch the required number of times), instead referrals should be made where a claimant has failed overall to do their required hours of work search activity and has not taken all reasonable action to find work in that week.

If there are any work search activities to add, delete or edit, agents with correct permissions can update the claimant record.

The agent must follow up any outstanding actions recorded on the claimant record notes, and identify any additional support that the claimant needs.

There may be circumstances where the agent needs to refer the claimant to a suitably authorised agent. For example where:

additional work search support is needed the Claimant Commitment needs amending, for example where the claimant can no longer carry out a work related requirement the claimant has questions that cannot be responded to within the confines of the Work Search Review

referrals to provision need to be made in-work financial advice given - general information may be provided during the Work Search Review but only an Adviser should provide more in-depth advice.

We are continuing to develop the KM, building on learning from Pathfinder and other ongoing work. KM products are therefore constantly being amended and reviewed before publication and this is the latest version of the content text that is relevant to your enquiry.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Central Fol 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 Fol Team, Caxton House, Tothill Street, 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