

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwpgsi.gov.uk](mailto:freedom-of-information-request@dwpgsi.gov.uk)

Our Ref: Fol 1341

DATE: 2 May 2017

Dear Anita Bellows,

Thank you for your Freedom of Information request of 30 March 2017. You asked:

*In its response to a request for information (Ref: Fol4883 dated 24 January 2017) the Department stated:*

*“Claimants are expected to participate in work focused interviews, the Health and Work Conversation is a type of work focused interview. The Health and Work Conversation is claimant led, if a claimant feels uncomfortable answering some questions in the Health and Work Conversation they will not be referred for a sanction. However, if they refuse to engage at all in the HWC then they may be referred for a sanction. The Employment and Support Allowance Regulations 2008 (SI 2008/794) contain the provisions which enable the Department to apply a sanction.”*

*1) Please provide guidance to work coaches and decision makers (or regulations if appropriate) about what is or is not “participation/engagement” in a HWC.*

*In the Department’s “Health and Work Conversation: The Claimant Journey” it states: “Vulnerable claimants who are exempt, will not be required to attend a Health and Work conversation where circumstances mean it would not be appropriate. Work coaches will also have the flexibility to defer the Health and Work Conversation when a claimant cannot attend due to temporary circumstances.”*

*2) Please provide the definition or guidance being used by the Department to identify “vulnerable claimants” for the purpose of a HWC and to define circumstances in which a HWC will not be appropriate*

*3) Finally, What type of information (medical or otherwise) will the work coach have access to in relation to each claimant called for a HWC (e.g. will they have access to the complete ESA50 form)*

**RFI1: Please provide guidance to work coaches and decision makers (or regulations if appropriate) about what is or is not “participation/engagement” in a HWC.**

Regulation 57 of the Employment and Support Allowance Regulations 2008 sets out when a claimant is to be regarded as having taken part in a Work Focused Interview. The HWC is a Work Focused Interview.

Please see Regulation 57 of the Employment and Support Allowance Regulations 2008 below:

- 57.—(1) A claimant is regarded as having taken part in a work-focused interview if the claimant—
- (a) attends for the interview at the place and at the date and time notified in accordance with regulation 56;
  - (b) provides information, if requested by the Secretary of State, about any or all of the matters set out in paragraph (2);
  - (c) participates in discussions to the extent the Secretary of State considers necessary, about any or all of the matters set out in paragraph (3);
  - (d) assists the Secretary of State in the completion of an action plan.
- (2) The matters referred to in paragraph (1)(b) are—
- (a) the claimant’s educational qualifications and vocational training;
  - (b) the claimant’s work history;
  - (c) the claimant’s aspirations for future work;
  - (d) the claimant’s skills that are relevant to work;
  - (e) the claimant’s work-related abilities;
  - (f) the claimant’s caring or childcare responsibilities; and
  - (g) any paid or unpaid work that the claimant is undertaking.
- (3) The matters referred to in paragraph (1)(c) are—
- (a) any activity the claimant is willing to undertake which may make obtaining or remaining in work more likely;
  - (b) any such activity that the claimant may have previously undertaken;
  - (c) any progress the claimant may have made towards remaining in or obtaining work;
  - (d) any work-focused health-related assessment the claimant may have taken part in; and
  - (e) the claimant’s opinion as to the extent to which the ability to remain in or obtain work is restricted by the claimant’s physical or mental condition.

**RFI2: Please provide the definition or guidance being used by the Department to identify “vulnerable claimants” for the purpose of a HWC and to define circumstances in which a HWC will not be appropriate**

DWP defines vulnerability as “an individual who is identified as having complex needs and/or requires additional support to enable them to access DWP benefits and use our services.”

Work coaches will be issued with clear guidance on who will be exempted from the HWC. For example, claimants who are terminally ill and those receiving treatments such as haemodialysis would not be required to attend a HWC. Work coaches will also be able to defer the HWC if the claimant cannot attend due to temporary circumstances.

**RFI3: Finally, What type of information (medical or otherwise) will the work coach have access to in relation to each claimant called for a HWC (e.g. will they have access to the complete ESA50 form)**

DWP colleagues will not have access to the ESA50 form. They will have access to the claimant's details, including health condition that derives from the medical certificate, through existing DWP IT systems and will comply with the standard DWP approach to vulnerability to identify vulnerable claimants.

This, in conjunction with internal booking processes, will allow colleagues to identify any issues, adapt methods of communication accordingly and offer travel assistance to attend the HWC where appropriate. Where a claimant has been identified as being exempt, they will not be required to attend a Health and Work Conversation.

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

Yours sincerely,

DWP Strategy Fol Team

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**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@dpw.gsi.gov.uk](mailto:freedom-of-information-request@dpw.gsi.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](http://www.ico.gov.uk)