

DWP Central Freedom of Information Team

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

Our Ref: Fol 2254

DATE: 26 June 2017

Dear Frank Zola,

Thank you for your Freedom of Information request of 28 May 2017. You asked:

*For your Health and Work Conversation booklet (HWC1 1/17)
https://www.whatdotheyknow.com/request/proposed_new_health_and_work_con#incoming-983255*

On page 2 of the booklet it asks:

"How does your health affect your life and your ability to work?"

On page 4 "My 4 steps" it says:

"Step 3 – Obstacle

(This means 'what is stopping you')

This is about what is stopping you from getting what you want in Step 1 . It's something within you that you have some control over, and you're able to do something about it, even though it is difficult. It could be a habit, something you believe in, or a feeling you have.

Take a moment to imagine what is stopping you."

Page 2 and 4 are asking a claimant to disclose (write down) sensitive personal data, please provide details of legal basis the DWP can prompt claimants to record this data and for all practical purposes discuss it with the Work Coach who will then use these page 2 and 4 disclosures and associated conversation to devise a claimant commitment and action plan that will record and refer to this sensitive data on the DWP computer and clerical systems.

Do you provide any information to claimants that they are not required to disclose sensitive personal data, concerning their health and disability, at or prior to the HWC? Please provide copies of such a notice or information.

In Fol 1331 your reply said:

"The HWC is claimant led so claimants can decide whether they want to discuss their health or set a health related goal"

"If claimants do not wish to discuss their health condition then the work coach will tailor the discussion based on what the claimant is comfortable sharing."

<https://www.whatdotheyknow.com/request/398073/response/969716/attach/html/3/FOI%201331%20reply.pdf.html>

and in Fol 4883 you said:

"Claimants will not be expected to disclose sensitive personal health data as part of the Health and Work Conversation (HWC). "

"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. "

<https://www.whatdotheyknow.com/request/379047/response/925694/attach/html/3/4883.pdf.html>

Will a claimant undergoing a mandatory HWC, who does not want to disclose, write down on or discuss and health and disability sensitive personal data get referred for a benefit sanction? When they are happy to engage with all other aspects of the HWC?

On the HCW booklet it says

"You and your work coach will use simple tools to talk about an action that you want to do, and plan how you can do it. "

Please disclose a copy of these tools such as the action planning exercise and a summary of what they are, together with a copy of the guidance your Work Coaches uses to conduct and prepare for a claimant led HWC.

If you use a customised Claimant Commitment for the HWC, please disclose a copy and a copy of any specimen copies you use for HWC training purposes.

Please disclose a copy of any information you hold that a Work Coach merely prompting a HWC claimant to discuss their sensitive personal data means the DWP is NOT "processing" this sensitive data within the meaning of the Data Protection Act?

How does the DWP record that it has a HWC claimant consent to process their sensitive personal data?

RFI 1: Page 2 and 4 are asking a claimant to disclose (write down) sensitive personal data, please provide details of legal basis the DWP can prompt claimants to record this data and for all practical purposes discuss it with the Work Coach who will then use these page 2 and 4 disclosures and associated conversation to devise a claimant commitment and action plan that will record and refer to this sensitive data on the DWP computer and clerical systems.

The information that you have requested is exempt under Section 42 of the Act as it is covered by legal professional privilege.

RFI 2: Do you provide any information to claimants that they are not required to disclose sensitive personal data, concerning their health and disability, at or prior to the HWC? Please provide copies of such a notice or information.

The Department continuously reviews its communications to ensure that it is clear to claimants that they are not required to share information related to their health and disability.

RFI 3: Will a claimant undergoing a mandatory HWC, who does not want to disclose, write down on or discuss and health and disability sensitive personal data get referred for a benefit sanction? When they are happy to engage with all other aspects of the HWC?

The HWC is a claimant led conversation and claimants can decide whether they want to discuss their health. If a claimant feels uncomfortable answering some question in the HWC 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, depending on the circumstances of why they have not engaged.

Additionally where a claimant doesn't complete the HWC booklet but participates and engages in the conversation, a failure to participate sanction will not apply.

RFI 4: Please disclose a copy of these tools such as the action planning exercise and a summary of what they are, together with a copy of the guidance your Work Coaches uses to conduct and prepare for a claimant led HWC.

The tools that you are asking for are the My 4 Steps that is included in the HWC booklet. The My 4 Steps is a goal-setting exercise in which a claimant chooses a short-term goal that they want to achieve and works with their work coach to plan steps to achieve it. After the My 4 Steps the claimant and the work coach will put together an action plan. These are actions that the claimant agrees to do and are voluntary before their WCA. I have attached to this response an example action plan from LMS.

Please find attached also to this response the work coach booklet for the HWC and the operational instructions. The operational instructions are continuously reviewed as part of the test and learn approach to the rollout of the HWC.

RFI 5: If you use a customised Claimant Commitment for the HWC, please disclose a copy and a copy of any specimen copies you use for HWC training purposes.

The information you have requested is not held by the Department because work on the Claimant Commitment is in development.

RFI 6: Please disclose a copy of any information you hold that a Work Coach merely prompting a HWC claimant to discuss their sensitive personal data means the DWP is NOT "processing" this sensitive data within the meaning of the Data Protection Act?

The information that you have requested is not held by the Department.

RFI 7: How does the DWP record that it has a HWC claimant consent to process their sensitive personal data?

The information that you have requested is exempt under Section 42 of the Act as it is covered by legal professional privilege.

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

Yours sincerely,

DWP Strategy 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