

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-xxxxxxx@xxx.xxx.xx](mailto:freedom-of-information-xxxxxxx@xxx.xxx.xx)

Our Ref: VTR 5169

DATE: 06 November 2013

Dear Ben Owen,

Further to your email of 31 October where you asked:

*I wish to receive a list of all "Back to Work" providers providing work placements for the following schemes:*

- \* Mandatory Work Activity*
- \* Community Action Programme*
- \* Work Experience*
- \* Steps to Work*

*These should be lists of current employers who provide these types of placements, compiled from the provider lists at the following Job Centre Plus branches:*

- \* Belle Vale*
- \* Everton*
- \* Wavertree*
- \* Bootle Park House*
- \* Garston*
- \* Bootle Linacre House*
- \* Old Swan*
- \* Toxteth*
- \* Norris Green*
- \* Liverpool Williamson Square*
- \* West Derby*
- \* Liverpool Cressington House*
- \* Crosby Hougomont House*
- \* Edge Hill*

*Where the employer is a chain, I wish to receive the details of the branch(es) or store(s) participating in the scheme.*

*In the case that obtaining the details for the full list would exceed the cost limit, I wish to receive information for each JCP in the order on the list up to the cost limit.*

**Reply:**

The information you seek is exempt from disclosure under sections 29 (1)(a), 29 (1)(b), 36(2)(c) and 43(2) of the Freedom of Information Act 2000 ("the Act").

A balancing exercise was conducted in order to consider whether the public interest factors in favour of withholding the information outweighed those in favour of release. In this case we concluded that the public interest weighed in favour of withholding the requested information. We believe that the public balance weighs in favour of withholding the information because of the established risk and real harm.

Section 36(2)(c) of the Act protects information which, in the reasonable opinion of a Minister of the Crown, would be likely to damage the effective conduct of public affairs if disclosed.

The Minister of State for Employment is satisfied that the exemption applies in this case. This is because providing the names of organisations that host work placements could lead to campaign groups creating a list of organisations that host government employment programmes. This then runs the risk of campaign groups targeting placement organisations to cause them to withdraw from the scheme. These actions aim to create a climate which also discourages other organisations from joining the scheme with the intention of disrupting the delivery of government employment programmes. This risk, if realised, would be prejudicial to a policy which is designed to help move jobseekers into sustainable work. Thwarting the delivery of the policy in this way would be likely to undermine the benefits to the wider economy of moving jobseekers off benefit into employment. Such disruption is also detrimental to the job prospects of individual jobseekers who will not benefit from the disciplines and support the government employment programmes offer.

Section 29 (1)(a) is engaged if disclosure would, or would be likely to, prejudice the economic interests of the United Kingdom or of any part of the United Kingdom, defined by section 28(2).

Section 29 (1) (b) is engaged if disclosure would, or would be likely to, prejudice the financial interests of any administration in the United Kingdom, as defined by section 28(2).

Section 43(2) of the Act is engaged if disclosure would, or would be likely to, prejudice the commercial interests of any person, including the Department for Work and Pensions (DWP).

DWP considers that disclosure of the information you have requested would, or would be likely to result in such prejudice in a number of different ways, but including in particular the following:

1. If this information was used to create a list of placement hosts and they subsequently withdrew their support, then providers and their sub-contractors could lose some or all the money they had invested in sourcing those hosts and require them to invest still more in finding replacements.
2. If placement hosts withdrew, DWP would have to spend more on benefits to jobseekers and have less to spend on 'commercial' activities, e.g. contracts with contractors to assist jobseekers back to work.
3. Having to pay more in benefits to jobseekers and pay more to support them into work (including paying more to contractors for assisting claimants into work), would, in our view, lessen the extent to which the government is able to exercise proper control over the economy in order to maintain sound public finances and would slow the progress of fiscal consolidation which risks damaging the wider economy.
4. In the face of a hostile campaign placement hosts who do not currently seek payments from providers may begin seek payments from contractors to offer placements or those that already seek payments may seek payments of a higher value. These increased costs to contractors would be likely to lead to DWP having to pay higher costs for contracting the same service.

Where sections 29, 36 and 43 of the Act are engaged, the exemptions in those sections have effect where, in all the circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information (see section 2(2) of the Act).

In looking at whether it is in the public interest to withhold the information encompassed by your requests, DWP has considered a number of factors including in particular the following:

1. If this information is disclosed, and placement hosts withdraw then claimants will have fewer opportunities to access the support that will get them closer to the labour market. It is clearly in the public interest to reduce unemployment.
2. If this information is disclosed, it is clear that a number of people would seek to undermine the goodwill of organisations who offer opportunities to unemployed people by attempting to damage the reputation and standing of those organisations.

On balance, DWP is satisfied that the public interest in maintaining the exemptions referred to above outweighs the public interest in disclosure.

Finally, your request relates to the recent decision of the First-tier Tribunal General Regulatory Chamber (Information Rights) in the case of *DWP v Information Commission and Zola*. Please note that DWP has been granted

permission to appeal against that decision to the Upper Tribunal, and that an order has been made suspending the effects of the First-tier Tribunal's decision pending determination of the appeal by the Upper Tribunal.

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

Yours sincerely,

DWP Central 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@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.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)