

DWP Central Freedom of Information Team

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

Our Ref: VTR4024

28 August 2013

Jason Davies

Dear Mr Davies,

Thank you for your Freedom of Information request received on 23 August 2013. You asked

*"A3. Claimants will not be mandated to use IADs available in Jobcentre Plus offices and will, therefore, not be sanctioned if they refuse to use them. Use of IADs by claimants is voluntary."*

*Please provide the legislation and/or regulations which confirm that jobseekers cannot be mandated to use IADs in Jobcentres.*

*Please also confirm that if a jobseeker exercises their right not to use an IAD in the Jobcentre that they would not be sanctioned if they also refuse to create and/or use a Universal Jobmatch account by way of the IAD.*

It may be helpful if I explain the role of the Freedom of Information Act. The Act provides a right of access to recorded information held by a public authority like DWP (subject to certain exemptions). The Act does not provide that a public authority must create new information to answer questions; nor does it provide that a public authority give advice, opinion or explanation in relation to issues/policies under question.

In cases where a person asks a question, rather than request recorded information, we do our utmost to provide the recorded information that best answers the question. Once the public authority has provided the recorded information, it has met its obligations under the Act; interpretation of the information provided is left to the requestor.

The recorded information we hold that best answers these questions is contained in paragraphs 54 to 90 in Chapter 03 of the Universal Jobmatch Toolkit which says:

**Issuing a Jobseeker's Direction to mandate JSA claimants to create a profile and public CV in Universal Jobmatch**

54. Where you have explained the benefits to claimants of creating a profile and public CV in Universal Jobmatch and they will not do so willingly, they can be mandated to create a profile and public CV.
55. However, for legal reasons, you **cannot issue** a Jobseeker's Direction to mandate a claimant to create a profile and public CV unless a DWP IAD service is reasonably available to them should they need to use one - for example, because they do not want to accept cookies and therefore need to have access to a device on which cookies have already been accepted.
56. You also **cannot issue** a Jobseeker's Direction to mandate a claimant to give us access to their account – this is their decision not ours.

### **What to consider before issuing a Direction**

57. The Jobseeker's Direction guidance explains the factors that must be considered before a Jobseeker's Direction is issued. In particular, a Jobseeker's Direction mandating claimants to create a profile and public CV in Universal Jobmatch must be reasonable in terms of:
- improving the claimant's employment prospects; **and**
  - the claimant being able to use the service.
58. For the majority of claimants, creating a profile and public CV in Universal Jobmatch will be an important part of improving employment prospects. However, actually creating a profile and public CV and using the service may be less than straightforward for some claimants if they are not reasonably able to use the service, for example those:
- with a learning or other health-related condition; or
  - for whom English is their second language; or
  - who lack appropriate literacy and/or numeracy skills; or
  - who are not reasonably able to access their own computer/device (for example, because they do not have such a device or cannot afford to access the internet) and are not reasonably able to access an alternative internet access device in their area (for example, because of their personal circumstances, poor internet service in the area or lack of access to affordable internet access).
59. Before issuing a Direction, you must also take into account whether the claimant can reasonably access a DWP IAD should they either not have reasonable access to the internet or should they wish to exercise their right not to accept cookies. You will need to take into account all of the claimant's circumstances (for example, their health, any restrictions on their availability, whether they have childcare available) and the availability of IADs in your office. For example, if your office has:
- not yet installed any IADs; or
  - a high number of claimants who need access to a DWP IAD. For example because they:
    - do not have access to the internet; or
    - are required to use UJ and wish to exercise their choices relating to cookies.
60. All these considerations must be taken into account before deciding to issue a Jobseeker's Direction. If one or more of the circumstances in the previous paragraphs apply and you deem it is unreasonable for the claimant to use Universal Jobmatch, you must:
- record why it is not reasonable to issue a Direction, for example, "Claimant not using Universal Jobmatch – English as a second language" or "Claimant not using Universal Jobmatch – does not wish to accept cookies and claimant has no reasonable access to an IAD" in the 'Additional Notes' field within the 'More' hotspot on LMS; and
  - select the 'Pilots' Hotspot on LMS; (or where the 'Pilots' Hotspot is not shown, you will need to select the 'New Initiative' Hotspot and select 'Pilots' from the dropdown menu

list); then from the next window find the 'UJ Pilot Marker' option; then select 'No UJ account' from the dropdown menu list and select the [Save] button.

61. Both these actions are required so you do not keep asking the claimant each time they attend at the office.
62. In cases where a direction is not reasonable you will need to review the claimant's jobsearch activity using other means.
63. However, where a claimant may not be required to use Universal Jobmatch but subsequently their circumstances change (for example, they move house to an area where there is a good broadband service and are able to afford internet access) you must take the action described in paragraphs 35 to 53 as appropriate.
64. A Direction must not be issued to 'credits only' claimants because a referral to a Decision Maker for an 'opinion only' decision must not be made for 'credits only' claimants who refuse or fail to comply with a Jobseeker's Direction.

### **Action required if you consider a Jobseeker's Direction is appropriate**

65. If you have decided that it would be reasonable to issue the claimant with a Jobseeker's Direction, after taking into account the considerations tell the claimant they must create a UJ profile and public CV.

### **Cookies Factsheet**

66. It is vital the Cookies factsheet is issued to the claimant so they are able to make a fully informed decision about their choices relating to cookies and you explain that they can use one of the IADs in the Jobcentre should they not wish to accept cookies on their own computer/device. The factsheet is available in English and Welsh.

### **Recording the Direction on LMS**

67. You must record the Direction on LMS as follows:
  - [Direction Reason] field: *"Universal Jobmatch will improve the claimant's prospects of finding work"*
  - [Details & Method of Achieving] field: *"You will create a profile and public CV within Universal Jobmatch by --/--/--."*
68. You must take the action described in paragraph 76 when setting the 'by date' in the Direction.

### **Claimant says they do not want to accept cookies on their own computer/device**

69. In these cases you must also arrange a date and time for the claimant to use the IAD so they are able to carry out the direction. The amount of time you allow for a claimant to carry out the direction will vary and you must consider this on a case by case basis – i.e. some claimants may need 1 hour but others may need much longer (there is no specific time limit on this) and if so, a longer time slot to use the IAD must be arranged. Claimants are entitled to travel cost reimbursement for appointments outside their normal signing arrangements.

### **Issuing the Jobseeker's Direction letter and Cookies Factsheet**

70. You must:
  - attach the Cookies factsheet to the Jobseeker's Direction letter and give both to the claimant; and
  - record in LMS Conversations *"Cookies Factsheet issued."*

## **What you must make clear to the claimant**

71. You will need to make sure the claimant understands how to register for a Government Gateway Account (this will not be necessary if the claimant tells you they already have a Government Gateway Account) and create a profile and public CV within Universal Jobmatch. Scenario 15 in Learning Product 05 contains full details on how a claimant creates a profile and Scenario 16 contains further details on how a claimant creates a public CV;

NOTE: You may also issue the 'How to Use Universal Jobmatch' leaflet, which is available in English and Welsh if you think it will help the claimant understand how to register and login to their account. If so, you will need to select either the English or Welsh link in this paragraph and print the leaflet.

72. You must also explain they will need to provide evidence that they have complied with the Direction. In doing so, explain that if they allow DWP to access their UJ account suggest that they only need to bring in the e-mail address they used to create their UJ profile and public CV as we will be able to check their account using these details. However, if the claimant does not wish to allow DWP access to their account (and this is their decision not ours) suggest this may take the form of:

- Prints of their CV screens/pages from their Universal Jobmatch account. However, this will not be possible for claimants who do not have access to a printer or cannot afford to print out copies of these pages; or
- Showing us these CV screens/pages from their Universal Jobmatch account if they have access to the internet on a smartphone. Districts will need to consider the guidance on Restricted Use of Electronic Media in Jobcentres although paragraph 7 in this guidance enables offices to allow claimants to use their mobiles for this purpose.

73. If it is not possible for the claimant to do any of the above, or the claimant does not wish to accept cookies and so needs to use a DWP IAD, advise the claimant that they can login to their UJ account from an available IAD in your office and print off the relevant CV screens/pages.

74. However, the onus is on the claimant to provide evidence that they have created a profile and public CV by whatever means they choose.

75. Therefore, if the claimant does not wish to do this, you will need to decide whether they have complied with the Direction based on the evidence they have provided.

## **Setting the date by which the direction must be carried out**

76. You must take into account a claimant's experience and ability to use the internet and access to the internet (in particular if they need to use an IAD) when setting the date by which the claimant must have carried out the direction. For example, more time will need to be given:

- for somebody who has very little or no experience of the internet because a referral to local provision on how to use on-line channels may be necessary; or
- where your office has a high number of claimants who need access to an IAD.

## **Cancelling the Direction**

77. If the claimant contacts the Jobcentre before the date when the Direction must be carried out because they decided not to accept cookies on their computer/device and therefore wish to use an IAD in the Jobcentre to create a profile and public CV you must arrange a date and time for the claimant to use the IAD.

78. However, if you cannot arrange this by the date on which the Direction must be carried out you must cancel the original Direction and issue a new Direction to the claimant which takes account of the new appointment date.
79. If the claimant attends on their allocated day and time to carry out the Direction but subsequently cannot complete their profile and public CV within the time allowed on the IAD, then you must tell them to save their public CV in UJ by selecting the 'Save for later' link at the bottom of the web page they have completed.
80. You must then cancel the original Direction make a new IAD appointment and issue a new Direction to the claimant which takes account of the new appointment date.

### **Following up the Direction**

81. The Direction will be followed up at the claimant's next attendance at the Jobcentre after the date set in the Jobseeker's Direction whether it is a jobsearch review or advisory interview.

### **Claimant has created a profile and public CV in Universal Jobmatch and allowed DWP to access their account**

82. If the claimant created a profile and public CV in their Universal Jobmatch account and allowed DWP access, you will be able to check this by finding the claimant in the UJ application and logging into their account. You will then need to:
- record the Jobseeker's UJ ID number in the 'Additional Notes' field within the 'More' hotspot on LMS so you can easily and accurately access their UJ account in future; and
  - select the 'Pilots' Hotspot on LMS; (or where the 'Pilots' Hotspot is not shown, you will need to select the 'New Initiative' Hotspot and select 'Pilots' from the dropdown menu list); then from the next window find the 'UJ Pilot Marker' option; then select '*Man UJ – DWP access*' from the dropdown menu list and select the [Save] button. This is required so you do not keep asking the claimant each time they attend at the office.

### **Claimant agrees to create a profile and public CV in Universal Jobmatch but has not allowed DWP to access their account**

83. If the claimant created a profile and public CV in their Universal Jobmatch account but has not allowed DWP access you will be able to check they have created a profile by finding the claimant in the UJ application.
84. You will not be able to login to their account to check they have created a public CV - you will do this by looking at the evidence the claimant has provided by one of the methods in paragraphs 72 to 75. However, when you search for the claimant, in the UJ application it will tell you they have completed a profile and therefore has created an account because your search will open a page that returns a message which says, "*User has not provided permissions to access account* "
85. However, if the evidence provided by the claimant is insufficient and you are not completely satisfied they have created a profile and public CV, you must refer the doubt to a Decision Maker.
86. If you are satisfied that the claimant has created a profile and public CV you will then need to select the 'Pilots' Hotspot on LMS; (or where the 'Pilots' Hotspot is not shown, you will need to select the 'New Initiative' Hotspot and select 'Pilots' from the dropdown menu list); then from the next window find the 'UJ Pilot Marker' option; then select '*Man UJ – no access*' from the dropdown menu list and select the [Save] button. This is required so you do not keep asking the claimant each time they attend at the office.

## **Agreeing how often the claimant will check their Universal Jobmatch account for jobs on the Jobseeker's Agreement**

87. When the claimant has created a profile and public CV, you must also agree with them and record within the *What I will do to identify and apply for jobs* part of the Jobseeker's Agreement how often the claimant will check their UJ account for jobs. In doing so, for those claimants using the DWP IAD, take into account all of their circumstances, including:

- the availability of IADs;
- the ability of the claimant to get into the Jobcentre on a regular basis (for example their childcare/caring responsibilities or other restrictions agreed on their Jobseeker's Agreement. If the claimant has childcare responsibilities, you must make clear to the claimant that they do not need to make any extra childcare arrangements, i.e. they will only be required to use a DWP IAD during periods covered by existing childcare arrangements); and
- claimants are entitled to travel cost reimbursement for appointments outside their normal signing arrangements.

## **Referral to a Decision Maker required**

88. If the claimant has not carried out the direction by the date they were required to do so or you are not satisfied from the evidence presented by the claimant that they have complied, the case must be referred to a Decision Maker selecting the 'Refuse/Fail Jobseeker Direction (UJ)' option from the drop down menu in LMS for AR Code JSA/718UJ.

NOTE IMPORTANT: Before you make the referral, you must first check LMS Conversations to make sure that the Cookies Factsheet was recorded as issued. If this is not recorded, you cannot refer the doubt to the Decision Maker. Instead, you must cancel the original Direction and issue a new Direction to the claimant.

## **Action required by Decision Maker**

89. The Decision Maker will make their decision in the usual way using DMAS AR Code JSA/718UJ.

## **JSA Work Programme (WP) participants**

90. You **must not mandate** JSA WP participants to create a profile and public CV in Universal Jobmatch. This is because it is for WP Providers to determine and provide the support their participants need to find work including (where appropriate) mandatory requirements. Separate guidance is being prepared for WP Providers on the use of UJ.

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

Yours sincerely,

DWP Central FOI 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@dwpgsi.gov.uk](mailto:freedom-of-information-request@dwpgsi.gov.uk) or by writing to DWP, Central Fol 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](http://www.ico.gov.uk)