

**Department for Work and Pensions (DWP)
Central Freedom of Information Team**

freedom-of-information-request@dwp.gsi.gov.uk

Our reference: Fol 577

Date: 6 March 2017

Dear Mr Shepherd

Thank you for your Freedom of Information request received on 13 February 2017. You asked:

Can a Work Coach demand i present my work search evidence in a pacific way that they demand it in, ie web sites that the jobs was found on and failing to right this information in the my work plan book ws1 will result in a benefit sanction even tho i have met the required jobs to apply for in the claimant commitment, just not have listed the web sites the jobs was applied on in my work plan ws1 booklet.

as my adviser is now demanding this yet have not had a problem with any other adviser in the last year.

my claimant commitment states.

use job sites and employer websites to find and apply for jobs i can do.

it does not state that i have to provide every web site i use to look for work and give it to them in writing each time i sign on.

the work coach also now says not to use the ujm web site which has jobs from sites all over the internet job recruitment sites anyway and has cost the dwp millions of pounds to create.

as a result of not providing the other web sites i use on my work search activity ws1 other than the ujm site i have now got a sanction for this even tho i have applied for 25 jobs a week on the ujm web site and have done so for the last year with no problems from the 7 other work coaches i have had at this office.

Before I reply to your requests 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 customer does ask 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 or confirmed that no such recorded information is held, it has met its obligations under the Act. Interpretation of any information provided is left to the requestor.

We have understood your requests to relate to Jobseeker's Allowance (JSA) claimants to whom the Jobseekers Act 1995 and Jobseeker's Allowance Regulations 1996 apply. The recorded information which best answers your questions can be found in an extract from Chapter 03 of the Universal Jobmatch Toolkit which has been copied below - paragraphs 82 to 94 explain how Jobcentre Plus staff may review the jobsearch activity of a JSA claimant:

Actively Seeking Employment

82. You cannot specify to a JSA claimant how they provide us with records of their jobsearch activity and Universal Jobmatch will not change this – it is not therefore possible to require JSA claimants to give DWP access to their Universal Jobmatch account.

83. You will continue to review jobsearch activity and record the outcome on LMS in the usual way for JSA claimants and look at all the evidence provided by claimants to determine if there is an ASE doubt. This may be in various forms and these are explained in the Labour Market Conditions Guide.

84. However, Universal Jobmatch will be a key tool you can use in appropriate cases to review whether a claimant has taken all reasonable steps to have the best prospects of finding work.

85. How you review jobsearch activity will depend on whether the claimant is using Universal Jobmatch and if so, has given DWP access to their account.

Reviewing jobsearch activity - claimant using Universal Jobmatch (DWP has access to their account)

86. You will look at any number or all of the following screens/pages from the claimant's Universal Jobmatch account:

- Activity History.*
- Application History.*
- Alerts.*
- Messages.*
- Saved Jobs.*
- Recommended Jobs.*
- Saved Searches.*

Reviewing jobsearch activity - claimant using Universal Jobmatch (No DWP access to their account)

87. To help assess that a claimant is actively seeking work you may suggest that they show you:

- prints of any number or all of the screens/pages detailed in paragraph 86 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

- *any number or all of the screens/pages detailed in paragraph 86 from their Universal Jobmatch account if they have access to the internet on a smartphone.*

88. 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 Customer Computer, advise the claimant that they can login to their UJ account and print off copies of the relevant screens/pages from an available DWP Customer Computer in your office.

89. However, the onus is on the claimant to provide evidence of their jobsearch activity (by whatever means they choose).

90. Therefore if a claimant does not wish to do this, you will need to base your assessment on the evidence they have provided. If this is insufficient and you are not completely satisfied they have met the requirements to actively seek work, raise a labour market doubt in the usual way.

Reviewing jobsearch activity - claimant not using Universal Jobmatch

91. In cases where a claimant is not using Universal Jobmatch, they will show the steps they can be reasonably expected to take to actively seek work that can give them the best prospects of employment, through other means.

92. In these cases, you will review a claimant's jobsearch activity using the evidence they provide as described in paragraph 83.

Referral to a Decision Maker required

93. Any doubts identified as a result of the evidence provided (however presented) will need to be referred to a Decision Maker in the usual way.

Action required by Decision Maker

94. You will make your decision in the usual way.

In addition to this I have also provided extracts of guidance from Chapters 04 and 05 of the Labour Market Instructions used by Work Coaches which helps to explain that the more information a claimant can provide about their work search the less likely there will be a doubt about whether they have met their Actively Seeking Employment requirements or not.

Chapter 04 - My Work Plan Booklet

The My Work Plan Booklet

4. The expectation is that the Jobcentre will work with claimants to actively use the My Work Plan booklet. The claimant should be actively encouraged to use their My Work Plan booklet to record their plans as it will help them to better plan, manage and review their work search activity. It will also provide a strong basis upon which it can be determined whether the claimant is meeting their requirements for actively seeking work, and make it easy for the claimant to provide evidence that they are undertaking reasonable steps to secure employment.

5. It is not mandatory for claimants to use the My Work Plan booklet, however Work Coaches must issue them with the booklet as it contains important information about sanctions and appointment times as well as useful information on how to plan.

6. There may be times when the claimant has recorded their activities to the same standard in a different format. In cases like these, the coach should then encourage the claimant to revert to use of the My Work Plan booklet. However, this booklet is not a mandatory product for demonstrating evidence of work search and claimants have the right to demonstrate what they have done to look for work through whichever means they deem suitable and most effective.

7. For example, the claimant may prefer to use [Universal Jobmatch](#) to record their activities and their plans for what they will do to look for work or may bring in a CV that they have developed to demonstrate that they have undertaken this activity. Claimants can use their Universal Jobmatch account to show details of:

- saved jobs
- saved searches
- CVs created and saved
- application history, and
- activity history.

Chapter 05 – Work Search Reviews

Considering whether the level of activity is enough to meet the ASE condition

60. The more information a claimant can provide about their work search activities, the less doubt there is to if they have met the requirements under Actively Seeking Employment.

61. To avoid any doubts, claimants need to understand:

- what we expect of them
- what information we are looking for
- the kind of examples they can use to provide it
- what will happen to them if they don't meet the conditions for Actively Seeking Employment? That is, that their benefit will stop and they will no longer qualify for Jobseeker's Allowance and that if they make a new claim after such a failure, they may not receive their benefit for up to 4 weeks or 13 weeks if they've previously had an intermediate sanction within a 52 week period.

I have also included below, an extract from the Labour Market Conditions Guide which says:

The evidence of jobsearch produced when they attend to have their regular reviews may be in various forms:

- information they have provided from their Universal Jobmatch account;
- evidence in writing from employers, employment agencies, or other organisations which they have contacted;
- copies of letters they have sent to employers;
- the claimant's un-corroborated written evidence, for example an ES4;
- the claimant's verbal evidence
- evidence from previous Jobsearch Reviews recorded on LMS.

This is supported by:

Section 8(1),(b) of the Jobseekers Act 1995 which says:

- Regulations may make provision for requiring a claimant [(other than a joint-claim couple claiming a joint-claim jobseeker's allowance)] to provide information and such evidence as may be prescribed as to his circumstances, his availability for employment and the extent to which he is actively seeking employment.; and

Regulation 24(1) of the Jobseeker's Allowance Regulations 1996 which says:

- A claimant shall provide such information as to his circumstances, his availability for employment and the extent to which he is actively seeking employment as may be required by the Secretary of State in order to determine the entitlement of the claimant to a jobseeker's allowance, whether that allowance is payable to him and, if so, in what amount.

The Jobseekers Act 1995 and the Jobseeker's Allowance Regulations 1996 are available via the DWP Website at the following internet addresses, respectively:

- <http://www.dwp.gov.uk/docs/a11-0101.pdf>
- <http://www.dwp.gov.uk/docs/a11-4001.pdf>

If you have any queries about this letter please contact us 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@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.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745