

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

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

Our reference: IR 30/FoI 039

Date: 1 February 2018

Dear Mr Dan Manville

Thank you for your Freedom of Information review request received on 18th January. You asked:

"I am writing to request an internal review of Department for Work and Pension's handling of my FOI request 'Capacity Guidance for Work Coaches'.

Your response does not address my enquiry.

Regulation 16 of the Universal Credit Regulation 2013 tells us:

A person does not have to meet the basic condition to have accepted a Claimant Commitment if the Secretary of State considers that the person does not have capacity to enter into one.

The document titled "Claimant Commitment" you supplied; at point 24, states that everyone must sign a Claimant Commitment which is at odds with your statutory duty.

Please explain how you assess an individual's capacity and provide any guidance and training materials that have been published.

Otherwise please confirm that no guidance has been issued detailing the test for claimants who lack capacity to enter into a Claimant Commitment.

DWP Response:

As the original Freedom of Information request was not specific as to which benefit it related to, instructions for Jobseekers Allowance and Universal Credit were supplied. Therefore the Freedom of Information original response should have indicated that this was the case rather than specifically stating Universal Credit.

Jobseekers Allowance Instructions 'Claimant Commitment' supplied in the original FOI response, and quoted in the review request, are not covered by Universal Credit regulations.

Having reviewed the information available, further Universal Credit Instructions have been identified regarding claimants not required to accept a Claimant Commitment these are attached.

Summary of guidance provided:

Building Claimant Commitment – Universal Credit

Claimant Commitment no requirement to accept due to exceptional circumstances – Universal Credit

Claimant Commitment – Jobseekers Allowance

Diagnosis of claimant capacity and circumstances – Universal Credit

FLG 07 Topic 07 Capturing Info & CC v12.3 – Work Services learning

UCFS 13 A Commitment – Universal Credit learning

UCFS13 C Commitment – Universal Credit learning

WS016 v12.3 – Universal Credit learning

If you have any queries about this letter please contact me 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