

DWP Central Freedom of Information Team

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

Our Ref: VTR4864

29 October 2013

Dear Mr Snyder ,

Thank you for your Freedom of Information request received on 12 October 2013. You asked for:-

86. Consent Flag

This field is entered by the provider, advising whether customer has confirmed consent for DWP to contact the employer. This has now been superseded by a designation order allowing DWP to contact all employers relating to their employment.

<http://www.dwp.gov.uk/docs/wp-pg-chapter-9.pdf>

I want you to email full details or a copy of the designation order above. Together with details of how anyone doing the Work Programme remove consent for providers to contact the employers about their employment?

Can anyone who no longer claims JSA remove consent or otherwise stop the Jobcentre, DWP or it's provider payment validation team contacting employers about their employment?

Do employers have any obligation to give the DWP or it's providers information about an employees employment or can they simply refuse to provide the information without the employer being sanctioned in any way?

Response

The Designation Order is available to members of the public. Please follow the hyperlink below to view the Designation Order that has been placed in the Parliamentary Libraries:

http://data.parliament.uk/DepositedPapers/Files/DEP2013-1285/designation_order.pdf

It is necessary for the DWP, in the administration of its employment schemes, to be able to find out when a benefit claimant is successful in gaining and remaining in employment. The above Designation Order provides express legal authority for an employer to supply data relating to

an individual's employment activity when evidencing a Wage Incentive payment claim and likewise for Work Programme providers wishing to claim a Job Outcome payment and /or a Sustained Employment payment.

As the Wage Incentive and Work Programme provider payments can only be made when a claimant has been off benefit and in employment for a set period, evidence of employment will be required after a person leaves JSA. To do this a person's employment details need to be validated after they have moved off JSA, up to the last point at which an appropriate incentive payment claim could be made.

The existence of a legal power to share relevant data means there is no need for an individual's consent to be obtained in order for the sharing to take place. A former JSA claimant cannot stop the Jobcentre, DWP or its Provider Payment Validation Team from contacting employers about the individuals employment for the purposes specified in the order.

There is no legal obligation on employers to provide information and they can not be sanctioned for failing to do so.

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@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