

Dear Ian Wolf

Thank you for your Freedom of Information request of 26<sup>th</sup> December 2011

You requested the following information:

Please send me a summary of the law and regulations that apply to your document ES3JP Jobseekers Agreement and which sections have Mandatory conditionality attached to them (subject to loss of Jobseekers Allowance by benefit sanctions) and which require the fully informed and freely give consent of the customer to undertake?

Can you please send me a copy of the internal guidance given to Jobcentre staff on the issuing of the Jobseekers Agreement and information held that confirms that no action will be taken against a customer who does not consent to undertake or indicate they will undertake activities listed on page 4 of the agreement, as shown below:

Extracts from page 4

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[1] Finding work

[1.1] I will read the tips and help on how to find jobs, apply for jobs, create a CV and more, at [direct.gov.uk/jobsearchtips](http://direct.gov.uk/jobsearchtips)

[1.2] I will seek and act on feedback from employers Where I will work

[1.3] I will look for work that I can travel to within [ ] minutes each way from home.

[2] Other steps

To improve my chances of finding a job I:

[2.1] will open a bank account by (date)

[2.2] will create my CV by (date)

[2.3] will update my CV by (date)

[3] consent to Jobcentre Plus retaining my CV and sending it to prospective employers by the most appropriate method

[3.1] including email over the internet

[3.2] excluding email over the internet

[3.3] will get an email address by (date)

[4] General statement

I understand that this is general information and not a full statement of the law

Please provide internal information held that makes it a Mandatory condition (subject to benefit sanctions) of a Jobseekers Agreement for a customer to be required to (a) obtain a Bank Account by a Jobcentre specified date, (b) Get an email address by a Jobcentre specified date, (c) Create a CV by a Jobcentre specified date (d) Update a CV by a Jobcentre specified date and (e) be required to read specific information on [direct.gov.uk/jobsearchtips](http://direct.gov.uk/jobsearchtips)?

What evidence does the Jocentre require from a customer to confirm item a,b,c,d have been completed?

Please send me your internal information on advising/informing/forcing customers to open a Bank Account and whether or not you need consent from the customer to open a Bank Account and what circumstances you do not require a Bank Account to be opened

ES3JP contains section called "My Rights", as quoted below:

"I know if there is any doubt about my benefit claim or disagreement about my Jobseeker's Agreement, my case may be sent to a decision maker, which could result in the loss of my Jobseeker's Allowance. If this happens I

will be told. If I am not satisfied with the decision I can ask for it to be explained or reconsidered or I can appeal to an independent appeals tribunal."

Please send me a copy of any Jobcentre staff or 'decision makers' guidance that explains that if a customers does not consent to undertake the "Other Steps" listed on page 4 of the ES3JP Jobseekers Agreement this will result in "loss of...Jobseeker's Allowance."

In respect of the first part of your question requesting the law and regulations that apply to the ES3JP Jobseeker's Agreement, Section 21 of the Freedom of Information Act allows us to direct you to information which is already reasonably accessible to you. The Jobseeker's Act 1995 and the Jobseeker's Allowance Regulations 1996 are available via the Office of Public Sector Information (OPSI) at the following internet address:

Jobseekers Act 1995 : <http://www.legislation.gov.uk/ukpga/1995/18/contents>

Jobseekers Allowance Regulations 1996 :  
<http://www.legislation.gov.uk/uksi/1996/207/contents/made>

In respect of the second part of your question, I have attached the guidance issued to Jobcentre Staff in respect of the Jobseeker's Agreement in Appendix 1.

In respect of the third part of your question, there is no specific internal guidance that says it is mandatory for a customer to open a bank account, get an email address, create or update a CV or be required to read specific information on [direct.gov.uk/jobsearchtips](http://direct.gov.uk/jobsearchtips).

However, all claimants must do everything that can be reasonably expected to give themselves best prospects of employment. The specific activities that, if taken, will offer best chances of getting work are set out in the Jobseeker's Agreement, which is determined on an individual basis in discussion with a Jobcentre Plus personal adviser at the outset of the claim. Depending on individual circumstances and the type of work sought, the Jobseeker's Agreement may include specific steps such as opening a bank account, opening an email account, creating or updating a CV and improving jobsearch skills by e.g. using information on [direct.gov.uk/jobsearchtips](http://direct.gov.uk/jobsearchtips).

Where the adviser feels a specific activity is reasonable in terms of improving employment prospects, but the claimant is unwilling to undertake such activity, the requirement may be made mandatory (subject to benefit sanctions) by the issue of a Jobseeker's Direction. I have attached in Appendix 2 the relevant Jobcentre Plus guidance.

If a claimant does not agree to any of the activities required by the Adviser then the proposed Jobseeker's Agreement is sent to a Decision Maker. Section 21 of the Freedom of Information Act allows us to direct you to information which is already reasonably accessible to you. The information you requested on the legal decision making guidance (DMG) is available on [www.dwp.gov.uk/publications/dwp/dmg](http://www.dwp.gov.uk/publications/dwp/dmg)

Guidance on Jobseeker's Agreements can be found in Chapter 21 of the DMG from paragraph 21810 onwards.

Paragraphs 21840 onwards cover what a Decision Maker has to consider when a proposed Jobseeker's Agreement is referred to them.

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@dwpgsi.gov.uk](mailto:freedom-of-information-request@dwpgsi.gov.uk) or by writing to DWP, Central Fol Team, 5th Floor The Adelphi, 1-11, John Adam Street, London WC2N 6HT. 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)