

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

xx@xxx.xxx.gov.uk

Our reference: VTR IR417

Date: 28 August 2014

Dear Stephen Wynn,

Thank you for your Freedom of Information (Fol) request received on 20 August 2014. You asked:

"I can find information stating the Prime Contractor must hold insurance, for example:-

'The Prime Contractor shall effect and maintain with a reputable insurance company a policy or policies of insurance providing an adequate level of cover in respect of all risks which may be incurred by the Prime Contractor, arising out of the Prime Contractor's performance of its obligations under the Contract, including death or personal injury, loss of or damage to property or any other loss. Such policies must cover the Prime Contractor's potential liabilities...'

I can not find any specific information that relates to the claimant, or the placement provider. Can you point me to the specific information on insurance cover for the claimant while on a placement? How they are classified? Who provides the insurance the Prime Contractor/Service Provider, Service Provider subcontractor or Placement Provider?"

I have conducted an independent review of the response to your initial request reference 3587 and examined it afresh to ensure all factors were taken fully into account.

In your initial request reference 3587, dated 13 August 2014, you asked::

“Could you please supply me with all documentation relating to the provision of Insurance for people on the Community Work Placement scheme.”

The Department's reply of 20 August 2014 explained that CWP providers are contractually obliged to have certain insurance in place and to ensure the health, safety and welfare of claimants participating on CWP, in line with current legislation. You were provided with a link to the terms and conditions of the CWP contracts. It was also explained that the Department expects providers to ensure claimants are covered by insurance on placement but as we do not have a contractual relationship with placement hosts it is not appropriate for us to state to providers how to achieve this.

I have found that the response you were given was correct and that you have been provided with the information the Department has available on this subject.

It may be helpful if clarify that the remit of the Freedom of Information Act is to provide recorded information available at the time of the request. The Act does not require the Department to provide opinions or explanations, generate answers to questions, or create or obtain information it does not hold. In cases where a person asks a question, rather than requests 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.

However, I will provide some clarification in response to your latest email dated 20 August and point you to sections in the information you have been previously provided with. You said you could not find any specific information relating to the claimant or the placement provider in the contracts you have been provided with a link to and have asked who provides the insurance cover.

To reiterate the previous response you were given, DWP holds contracts with prime providers but not placement organisations (i.e. the organisations where claimants carry out their placement). As prime providers manage arrangements with placement organisations, it would not be appropriate for the Department to prescribe how insurance cover for participants on placement should be provided. Consequently the DWP has not created any information concerning insurance cover for claimants whilst on placement.

You have found information in the Terms and Conditions relating to provider insurance but you may also find section 4.7 'Health Safety' helpful. This details providers' contractual obligations to ensure the health and safety of participants on placements. I have provided the link again for ease of reference:

<https://online.contractsfinder.businesslink.gov.uk/Search%20Contracts/Search%20Contracts%20Results.aspx?site=1000&lang=en&sc=492b8edb-698e-4f6a-8dd0-51d56c16f5c0&ea=true>.

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

Yours sincerely,

DWP Central Fol Team

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 FoI 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