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Date: 14 August 2015

Frank Zola  
Sent via email

Dear Mr Zola

**Freedom of Information Act - Request for Information**  
**Our Reference: FOI 3042**

Thank you for your Freedom of Information request received on 19th July 2015. You asked:

*"The DWP is considering spending £21 million (£21,000,000) of public funds to provide digital CBT (Online Supported Cognitive Behavioural Therapy), as part of this process of providing psychological CBT 'treatment', you require services to be in line with:*

*"National Institute for Health and Care Excellence (NICE) approved treatment"*  
<https://www.contractsfinder.service.gov.uk/Notice/fcdf22ca-cac8-45da-a614-fbc5754de037>

*You are also "at an early stage" [1] of planning to "co-locate Improving Access to Psychological Therapies (IAPT) therapists in over 350 Jobcentres" [2] and require IAPT "therapist" to hold specific "qualifications" to "practice within IAPT services" [3].*

*Recently you stated that all IAPT and CBT would be "entirely voluntary"[4], implying that no benefit sanctions could be imposed for declining to engage with IAPT and CBT facilitated via the DWP.*

*Taking all of the above in account, can you confirm that, in relation to neuro-linguistic programming (NLP) delivered by DWP contractors, that:*

*1. Benefit Sanctions: - Anyone referred to the mandatory NLP 'treatment' schemes you deliver through suppliers like of 'Start Smiling Again'\* and 'Vedas Recruitment & Training Ltd' are NOT voluntary, as declining to engage in the NLP 'treatment' integrated into these schemes can mean benefit sanctions, with losses of up to 3 years for Jobseeker's Allowance?*

*\*£48,000 for 'Start Smiling Again' NLP - South West Wales - Stress Management Programme* <https://www.contractsfinder.service.gov.uk/Notice/977bdd97-bcdc-4bfe-81e9-5f219d5ebdde>

*\*\*£165,000 for 'Vedas Recruitment & Training Ltd' NLP - Entrenched Worklessness Provision* <http://data.gov.uk/data/contracts-finder-archive/contract/1649702/>

2. *Qualifications: DWP do not require DWP contractors using NLP to have any recognised qualifications?*

3. *Treatment: NLP is not a 'treatment' approved by any Public Authority?*

4. *CNHC: DWP do not require DWP contractors using NLP to register with the Complementary and Natural Healthcare Council (CNHC), a body "set up with government support" [5], that regulates members of the British Association of Therapeutic Hypnotists & NLP practitioners (BATHH) [6] and The British Institute of Hypnotherapy & NLP?*

5. *Consent: DWP do not require DWP contractors using NLP on it's back-to-work schemes, to obtain fully informed freely given (voluntary) consent from participants before subjecting them to direct and indirect forms of NLP?*

*Reference: Getting consent*

*CNHC: Code of conduct, ethics and performance " Clients' consent must be voluntary. That is, they must not be under any form of pressure or undue influence..." [8]*

6. *Conscientious Objection : As the DWP does not appear to obtain consent, before subjecting it's 'customers' to NLP by it's contractors/suppliers, can you confirm that any customer would be free to lodge a formal complaint against the DWP against it's arbitrary use of NLP as well as submitting a formal Conscientious Objection now or at the point of referral to any DWP contractor that uses NLP that is not on an "entirely voluntary" basis?*

7. *Professional Indemnity: The DWP does not require each practitioner of NLP, be delivered through a DWP contract, to have Professional Indemnity insurance?*

8. *Insurance: The DWP does it's contractors that use NLP, to hold insurance that indemnifies them against any DWP customer who wishes to make a claim against the DWP and the contractor for use of NLP on a mandatory benefit sanctions involuntary no choice basis?*

9. *Psychological treatment: As NLP is a psychological intervention (treatment), please disclose details of the insurance the DWP holds or relies upon should a DWP customer wish to make a claim against it, on the basis that the DWP has subjected them to a form of psychological intervention (treatment), on a mandatory benefit sanctions involuntary no choice basis?*

10: *Evidence: The DWP holds no evaluation or evidence on the effectiveness of NLP with it's 'customers'?"*

In response to your request;

Start Smiling Again was awarded a contract with DWP on 9<sup>th</sup> March 2015 to deliver a voluntary Stress Management Programme, providing mentoring for Participants with anxiety- and depression-related barriers to work, so they could move closer to finding employment.

- (1) Attendance is voluntary and targeted at participants in receipt of Jobseeker's Allowance (JSA), Employment & Support Allowance (ESA) and Income Support (IS) with eligibility dependent on the barriers to employment related to anxiety and depression; and programme suitability. There are no benefit sanctions for not attending.
- (2) We can confirm that the Stress Management Programme provision did not contain requirements for the use of NLP. The Suppliers that tendered for the provision were asked to provide their proposal together with a rationale for Full Time Equivalent (FTE) staff numbers, their skill sets and qualifications for their proposal in order to deliver the Stress Management Programme provision. Full details of the Contract including Start Smiling Again's Tender and Terms and Conditions can be found on Contracts Finder SID4GOV website - <https://www.contractsfinder.service.gov.uk/Notice/977bdd97-bcdc-4bfe-81e9-5f219d5ebdde>
- (3) NLP was not a requested/required component of the commissioning document or contract specification, which focused on the procurement of a generalist provision to support confidence-building, motivation, empowerment and goal setting for customers with common mental health conditions, enabling greater engagement in work-focused activities. Tenderers were asked to supply details of their proposed programme delivery model, content, structure, skill sets and experience as standard during the contracting exercise. The SSA tender detailed a comprehensive support programme, encompassing principles of life coaching and mentoring to achieve objectives, but did not comprise specific therapeutic interventions.
- (4) As per point 3 above. As noted, the provision focuses on motivation, mentoring and coaching principles to effect progression towards the workplace and is not a therapeutic programme.
- (5) Engagement with this provision is wholly voluntary and is preceded by interventions with both the referring Work Coach and provider to ensure full conversance with the provision remit, structure and content. Consent is then gained by JCP to proceed with the referral and the customer's participation within the provision is monitored by their Work Coach to ensure a continued wish to engage. Additionally, the provider completes a data sharing/referral form with each participant prior to commencement on programme to affirm their consent to engage.
- (6) As per point 5 above, engagement is wholly voluntary and consent to engage is obtained both verbally and in writing prior to commencement on the programme. Additionally, the provision is a coaching and mentoring programme and not a therapeutic intervention.

(7), (8), (9) Indemnity insurance requirement is covered by the Terms and Conditions that the successful provider has signed up to. In addition, participants are covered by the Analogous Industrial Injury Scheme (AIIS).

(10) NLP was/is not a requested component of the commissioning document or contract specification. The provision is a generalist confidence-building and motivation programme, which utilises principles of life coaching and mentoring to support participants in progressing towards/engaging in work-focused activities. To specify, all work-focused activities are realistic and achievable in the context of individual health condition(s).

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

Yours sincerely

**Official Correspondence Team  
People, Communication and Capability**

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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 FoI Team, Caxton House, 6-12 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](http://www.ico.gov.uk)