

Date: 22 December 2014

Our Ref: IR609

Dear Mr Moore,

Thank you for your Freedom of Information (FoI) internal review request received on 3 December 2014. You asked:

I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Nature of Tesco's involvement in Workfare/Community Action Programme'. Reference number 4882.

My request was refused under "Section 36(2)(c) of the Act" said to "protect information which, in the reasonable opinion of a Minister of the Crown, would be likely to damage the effective conduct of public affairs if disclosed."

Given that the request was specifically about Tesco PLC, I would question whether disclosure in this case would have an adverse effect on the whole programme.

Section 43(2) of the Act was also given as a reason to deny this request.

"if disclosure would, or would be likely to, prejudice the commercial interests of any person, including the Department for Work and Pensions (DWP)."

Tesco's involvement in this work program is public knowledge. The DWP's own Twitter disclosed Tesco's involvement. I would question what damage, exactly, would be caused by disclosure. The expected damage must be realistic.

A tweet confirming this, from the official DWP Press Office, is below.

<https://twitter.com/dwppressoffice/status/171971246169407488>

"Tesco have said that they are continuing to be part of Government's work experience scheme."

Your request for review was in response to your original requests of 8 and 14 November:
The Liverpool branch of IWW request information pertaining to the nature of Tesco PLC's involvement in the Community Action Programme, Help to Work scheme, and Community Work Placements.

Specifically, we would like to know:

For the period Jan 2011 - Present:

- 1. How much Tesco pay participants further than JSA*
- 2. The number of participants in the scheme*
- 3. Rate of retention of Community Work Placement workers at the end of their CWP*

period in Tesco PLC positions 2011-2014

4. Whether workers who are dismissed while in CWP have JSA or other State Benefits halted or docked.

"- Whether workers who are dismissed while in CWP have JSA or other State Benefits halted or docked."

I would like to know not only "Whether workers who are dismissed while in CWP have JSA or other State Benefits halted or docked."

5. I would also like to know "Whether workers who have participated in CWP, specifically with Tesco PLC have had JSA or other State Benefits halted or docked."

(Numerical references added by DWP to aid the clarity of response).

DWP Response

In response to your request, I can confirm that the handling of your original request and response has now been appropriately reviewed by someone unconnected with the handling of your original request. As a result of this review I am satisfied that whilst the outcome of your request was correct, the reasoning behind the decision should also have included:

1. We do not hold information on Tesco's pay structures and therefore are unable to state whether there is any difference in the rate of pay between Tesco and JSA.
2. The Department intends to publish statistics on Help to Work and options are being considered for the most appropriate date for publication of these. The Department works to guidelines set by the UK Statistics Authority to ensure that we publish statistics that meet high quality standards at the earliest opportunity.
3. We do not hold information on the rate of retention of claimants who were previously placed at Tesco.
4. The response to your question about sanctions was correct.
5. I can confirm that the Department holds information falling within the description specified in your request. However, we estimate that the cost of complying with your request would exceed the appropriate limit of £600. The appropriate limit has been specified in regulations and for central Government it is set at £600. This represents the estimated cost of one person spending 3½ working days in determining whether the Department holds the information, and locating, retrieving and extracting the information. Under section 12 of the Freedom of Information Act (FOIA), the Department is not obliged to comply with your request and we will not be processing your request further. Under section 16 of the FOIA we are obliged to assist you in providing options to narrow your request, by reforming or refocusing it, so that it will fall beneath the cost limit. One way in which you could do so would be to narrow your request to a particular store or area. The DWP will then be happy to consider your request afresh. However, we should advise that the DWP cannot guarantee that any revised request will be within the cost limit.

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

Yours sincerely,

DWP Strategy Fol Team

Your right to complain under the Freedom of Information Act

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