

DWP Central Freedom of Information Team

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

Our Ref: FOI2019/29239

03 September 2019

Dear Frank Zola,

Thank you for your Freedom of Information (Fol) request received on 5 August. You asked:

Does the DWP have any regulations or legislation it can rely upon to sanction a Universal Credit (UC) claimant, (required to search for work, complete job applications and attend job interviews) who informs prospective employers (in job applications and at job interviews) that they currently hold a 'fit-note' from a GP saying they are not fit for work and have been referred for a Work Capability Assessment (WCA) by the DWP but no WCA date has been set.

This request for information concerns UC claimants with 'fit-notes' covering 14 days, 28 days and more than 28 days (29 plus days).

What training and learning have work coaches undertaken to assess whether a UC claimant is 'fit-for-work' and can have 'All work-related requirements' conditions imposed upon them when they have consecutive fit notes lasting more than 28 days even when the WCA later finds that 'No Work-Related Requirements ' conditions should be imposed?

Please disclose all your internal work coach guidance and procedures for switching off requirements for claimants providing 'fit-notes'

I understand a work coach can use their own 'discretion and judgement' concerning amending or switching off requirements in a UC claimants Claimant Commitment, when they provide 'fit-notes'. Please disclose the information you hold that the 'discretion and judgement' of a work coach has the same standing as those (nurses and doctors) who carry out a WCA?

Please provide your internal guidance on how a work coach should record and explain their use of 'discretion and judgement' when they decide not to switch off any UC claimants requirements pending a WCA?

DWP Response:

Regarding your first query around regulations or legislation to sanction claimants with a fit note, I can confirm that the Department holds this information. However, the information is exempt under Section 21 of the Freedom of Information Act because the information is reasonably accessible to you, as it is already in the public domain.

However, to be helpful you can find the information you seek at <https://www.gov.uk/government/publications/advice-for-decision-making-staff-guide>, specifically Advice for Decision Makers chapters J3, K2, K3 and K5. These are located towards the bottom of the page.

Regarding your second query around internal work coach guidance and procedures for switching off requirements for claimants providing 'fit-notes', I can confirm that we hold the recorded information to respond to your request. Please see the attached guidance and learning material.

Regarding your third and fourth queries around 'discretion and judgement', I have established that the information you requested is not held by the Department. As outlined in the provided guidance document 'Switching-off work availability and work-related activities', a claimant is not required to be immediately available to take up work while they have a valid fit note. The claimant can have a Work Focused Interview and/or work preparation requirements applied at any time. Any work-related requirements will be tailored to reflect the claimant's capabilities.

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

Yours sincerely,

DWP Central FoI 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@dwp.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
Web: ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745