



National Audit Office

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Frank Zola

By email to: request-118373-9e4689ac@whatdotheyknow.com

Direct Line +44 (0)20 7798 7264
Email FOI@nao.gsi.gov.uk
Room Red Mezz
Reference FOI-641
Date 11 July 2012

Dear Mr Zola

Freedom of Information request: Work Programme bullying fraud

Thank you for your email of 4 June 2012, in which you requested information relating to our report *Preventing fraud in contracted employment programmes*.

Your request is being handled under the terms of the Freedom of Information Act 2000. Please accept my apologies for the delay in providing you with this response.

You requested "a copy of any unpublished information or evidence the NAO holds that relate to the quotations below:

- *Claimants bullied into signing an agreement to supply prospective employers' details, for the provider to claim a job outcome payment.*
- *Providers pursuing claimants for the contact details of their new employer despite the claimant gaining work without provider's help."*

The quoted examples are from Figure 11 of our report.

You also asked us to "disclose copies of any such specimen 'agreements' you hold and the names of the organisations that you contend used bullying tactics to get them signed."

We have searched our records and identified some information which falls within the scope of your request:

Copies of correspondence to MPs

As noted in paragraph 4.3 of our report, the examples of alleged improper practice set out in Figure 11 were taken from correspondence to MPs and media reports. The MPs' correspondence that we hold was provided to us in confidence and is therefore exempt under section 41(1) (information provided in confidence) of the Freedom of Information Act. An explanation of this exemption and its application is provided at Annex A.

A note of a telephone conference between the NAO and officials from the Department for Work and Pensions on 17 April 2012

The note includes a list of bullet points under the heading "Examples of Improper Practice" and one of the items on the list is "Claimants should complain in instances when the provider bullies claimant into providing new employer's details. DWP did acknowledge that it does require evidence of the new employer." The remainder of the document is outside the scope of your request.

I can confirm that we do not hold copies of any specimen agreements.

I hope you find this response helpful. Annex B sets out the steps you should take if you are not satisfied with the way we have handled your request for information under the Freedom of Information Act 2000.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Nick Lacy', with a long horizontal line extending to the right.

PP

Nick Lacy
Head of Policy and Legal Advice

Section 41 of the Freedom of Information Act provides that:

- (1) Information is exempt information if—
 - (a) it was obtained by the public authority from any other person (including another public authority), and
 - (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.
- (2) The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence.

The exemption applies because:

- (a) The information was obtained from another person, and
- (b) The information comprises correspondence from whistleblowers and, as such, was given to us in strict confidence. The disclosure of that information would therefore constitute an actionable breach of that confidence.

This exemption is absolute and is not subject to a public interest test.

Statement of Policy

Our policy is to respond to requests made under the Freedom of Information Act as helpfully and promptly as possible, having regard to the principles set out in the Act. I therefore hope you are happy with the way we have handled your request. If you are not, then you should take the following steps.

In the first instance, write to the National Audit Office Freedom of Information (FOI) Team at FOI@nao.gsi.gov.uk or by post to:

FOI Team, Red Mezz, National Audit Office, 157-197 Buckingham Palace Road; London, SW1W 9SP

The Head of FOI will arrange a review, which will be conducted by a senior member of staff who was not involved in decisions relating to your original request. Once the review has been completed we will write informing you of the outcome.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF