

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwpgsi.gov.uk](mailto:freedom-of-information-request@dwpgsi.gov.uk)

Our Ref: FOI 502

20th February 2014

Dear Frank Zola,

Thank you for your Freedom of Information request which we received on 3<sup>rd</sup> February 2014.  
You asked:

*Please email me your latest [1] Labour Market Decision Maker and [2] Jobcentre operational guidance on Zero Hour jobs for Universal Credit (UC) and Jobseekers Allowance (JSA) claimants.*

*[3] Please advise me of any changes to:*

*Operational guidance >> get Britain working >> Jobseekers Allowance Claimants >> Refusal of employment Exempt Vacancies*

*<https://www.whatdotheyknow.com/request/173275/response/425164/attach/html/3/Operational%20guidance%20Zero%20Hours.pdf.html>*

*Are there currently any reasons why someone should get a JSA or UC benefit sanction in relation to Zero Hour (ZH) contracts/job because:*

*[4] They voluntarily leave a job because they did not know it was a ZH job?*

*[5] They voluntarily leave a job even though they knew when they applied for it that it was a ZH job?*

*[6] They refuse a ZH job when offered one?*

*[7] They refuse to apply for a ZH job?*

*[8] Can a Jobcentre Adviser/Coach make it mandatory to apply for a ZH job for a claimant of:*

*[9] UC?*

*[10] JSA?*

*If a ZH job can be mandated under JSA or UC rules please explain how this is undertaken and a copy of any guidance that explains the process.*

*[11] Finally can a JSA or UC claimant ever be required/mandated to give up a ZH contract to take up a non ZH job, if so under what circumstances?*

With regards to your questions / requests regarding Universal Credit. DWP has issued operational guidance to staff in the Universal Credit Live Running offices. We are continuing to develop this guidance using a test and learn strategy from our live running experience and other ongoing work. It is our intention to make the guidance more widely available to staff as Universal Credit embeds. In the interest of transparency, the guidance will also be made available to the general public in due course. As the information you have requested is due for future publication it is exempt from disclosure under the terms of Section 22 (Information intended for future publication) of the Freedom of Information Act. This exemption is qualified, and is therefore subject to a public interest test. This means that the public interest in maintaining this exemption must outweigh the public interest in disclosure.

With regards to your questions / requests regarding Jobseeker's Allowance, specifically zero hours vacancies. It may be helpful to know that the Freedom of Information Act concerns the provision of recorded information held by public authorities such as DWP; the Act does not require that we create new information or generate answers to questions. Therefore, if a request is made in the form of a question, we provide the recorded information already held that answers the question.

However, in the interests of customer service, if we don't hold recorded information that directly answers a question, we do our utmost to provide the recorded information we believe to be most pertinent. In regard to your question(s) that information is the internal Jobcentre Plus guidance regarding:

- Refusal of Employment; and
- End of Employment Action.

Section 21 of the Freedom of Information Act allows us to direct you to information which can be considered reasonably accessible to you. The guidance is available in the public domain, and can be found at <https://www.gov.uk/government/publications/advice-for-decision-making-staff-guide>

Turning to your request regarding the Exempt Vacancies section of the Refusal of Employment guidance, please see below a timeline and a brief explanation of the updates to this section.

12/11/2010 - Section originally published

25/04/2013 - Reference to zero hours vacancies published

17/05/2013 - Guidance reviewed, sections regarding self employed work ad trade disputes moved to Incorrect Submissions section.

23/08/2013 - Reference to Employee Shareholder Contracts published

23/01/2014 - Reference to Apprenticeships published

I have enclosed copies for your reference.

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

Yours sincerely,

DWP Central Fol Team

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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 Fol Team, Caxton House, 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)