

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 26 March 2018

**Public Authority:** The Department for Work and Pensions

**Address:** Caxton House  
Tothill Street  
London  
SW1H 9NA

#### Decision (including any steps ordered)

---

1. The complainant has requested information from the Department for Work and Pensions ("the DWP") about certain organisations' participation in the Mandatory Work Activity Scheme.
2. The Commissioner's decision is that the DWP has provided the complainant with the information which he had requested. However, the DWP has breached section 10 of the FOIA since it did not issue its response within the statutory time for compliance.
3. The Commissioner does not require the DWP to take any steps.

#### Request and response

---

4. On 3 August 2016, the complainant wrote to the DWP and requested information in the following terms:

*"(1) I would like you to provide a copy of the necessary documents that proves that the three charities and one council named below participated in the Mandatory Work Activity scheme:*

*Scottish International Relief;*

*Govanhill Baths Community Trust;*

*Dogs Trust Glasgow; and*

*South Ayrshire Council.*

*(2) If costs permit, please include the number of individuals that each benefited from by way of the Mandatory Work Activity scheme."*

5. The DWP responded on 11 November 2016. It denied holding information relevant to the first part of the request. With regard to the second part, it stated that information was held, but refused to provide it, citing section 12 of the FOIA – cost of compliance exceeds appropriate limit.
6. The complainant requested an internal review, but one was not carried out. The Commissioner subsequently accepted the case for investigation.
7. The Commissioner wrote to the DWP on 10 July 2017 and again on 28 September 2017, asking for further submissions regarding its handling of the request for information.
8. Following this, the DWP issued a revised response to the complainant on 3 November 2017.
9. With regard to part (1), it provided some information which, it considered, indicated that each of the four named organisations had participated in the relevant scheme. Specifically, it provided a copy of one notification letter per each of the four organisations. It explained that the letters had been issued to individuals participating in the scheme, and that personal details had been redacted. Any individual working at each of the four 'host' organisations would have received the same letter to notify them that they should commence work.
10. With regard to part (2), it provided him with the number of individuals who had been referred to each of the four organisations.

### **Scope of the case**

---

11. The complainant informed the Commissioner on 10 November 2017 that he did not consider that the copy letters proved that a relationship existed between the four organisations and the DWP.
12. He also disputed that the number of referrals that had been provided to him gave an actual indication that people had commenced work; in other words that the organisations had 'benefited from' their involvement.

13. The Commissioner considers that the scope of the case has been to consider the scope of the request, and to investigate whether the DWP has provided the complainant with all of the information which it holds falling within the scope of the request. She has also investigated whether the DWP has complied with the statutory time for compliance.

## Reasons for decision

---

### Section 1 – right to access recorded information

14. Section 1 of the FOIA states that:

“(1) Any person making a request for information to a public authority is entitled—

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

#### *Request for proof of the organisations’ involvement*

15. With regard to part (1) of the request, the Commissioner notes that the request was for documents which provided proof of the organisations’ participation in the *Mandatory Work Activity* scheme (“MWA”).
16. The complainant has disputed that a copy of a letter to an individual, instructing him or her to commence a Work Activity Placement, is proof *“that a relationship existed between the MWA hosts and the DWP.. I contend that the DWP should have provided information demonstrating a contractual link between itself, at least indirectly, and each [organisation].”*
17. The Commissioner has considered the copy letters in the context of the request. She notes that the letters were issued by *Learndirect*, then a contracted provider of work placements to the DWP.
18. The letters are addressed to individuals, and instruct them when and where to commence a Work Placement Activity, and how long it will last. The letters are accompanied by instructions which relate to the need to continue to attend Jobsearch Reviews and seek work during the placement.
19. The DWP has provided a sample of one letter per each of the four placement hosts which were the subject of the request, with personal details of the individuals redacted.

20. The Commissioner considers that the complainant's subsequent comment, that he wished to see proof of a contractual relationship between the DWP and the four organisations, falls outside the scope of the original request. She has considered, however, whether the letters provide proof of the organisations' participation.
21. She has asked the DWP to explain whether it considers that the letters are proof of participation as requested in part (1) of the request.
22. The DWP has explained that:

*"on the Mandatory Work Activity programme, providers were contracted by the Department to source work experience placements... At the point of referral to a placement host, a notification letter is issued to the claimant. There is no other reason for this letter to be issued... Claimants are required to participate and the provider would have a record of this. The provider has reviewed this information and confirmed that claimants started placements at all four of the hosts."*
23. The DWP has explained that in its view, therefore, it has provided the proof requested. It has also explained that *"DWP requires providers to provide us with information required to answer FOI requests. DWP does not dictate how they hold the information... no formal contracts exist between the contracted provider and the placement host."*
24. The Commissioner considers that the fact that the individuals were provided with notification that their Work Activity Placements had been arranged, with the start and end dates, together with the information provided in response to part (2) of the request as considered below, adequately demonstrate that the four organisations participated in the Work Activity Scheme.
25. She is therefore satisfied that the complainant has been provided with *"a copy of the necessary documents that proves that the [named organisations] participated in the Mandatory Work Activity scheme"* as per part (1) of the request, and that the DWP has now, therefore, complied with section 1 of the FOIA in respect of part (1) of the request.

*Request for the number of individuals that each organisation benefited from*

26. Following the DWP's revised response of 3 November 2017, the complainant expressed the view that the number of referrals to each organisation did not necessarily indicate the number of individuals who had actually started their Work Activity placements.
27. However, during the course of the investigation, the DWP has written again to the complainant, informing him of the number of individuals

who started work at each of the four organisations. The figures differed slightly from the number of referrals as provided previously.

28. The Commissioner considers that this is an appropriate response to the request.
29. The Commissioner therefore is satisfied that, although it is regrettable that the more accurate figure was not provided to the complainant at an earlier stage, part (2) of the request has now been responded to fully.

### **Section 10 – time for compliance**

30. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*
31. From the information provided to the Commissioner in this case, it is evident that the DWP did not respond to the request within the statutory timeframe of 20 working days. She has therefore found the DWP to be in breach of section 10(1) of the FOIA.

## Right of appeal

---

32. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

33. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
34. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Alun Johnson**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**