

## Freedom of Information Act 2000

### Decision notice

**Date:** 15 June 2015

**Public Authority:** Department for Work and Pensions  
**Address:** Caxton House  
Tothill Street  
London  
SW1H 9NA

#### Decision (including any steps ordered)

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1. The complainant requested information from the Department for Work and Pensions (DWP) relating to the role of work coaches at Jobcentre Plus. The DWP provided the complainant with some general guidance documents which were of relevance to the request. The complainant believes that more information is held.
2. The Commissioner's decision is that on the balance of probabilities it is likely that the DWP has provided the complainant with all of the information relevant to the request. No steps are required.

#### Request and response

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3. On 1 December 2014, the complainant wrote to the DWP and requested information in the following terms:

*"1 - Can a JSA Workcoach force Claimants to agree to have the following statement included in their Claimant Commitments:*

*"I will provide detailed evidence of all of my jobseeking activities when I attend the Jobcentre"*

*which was then verbally explained by the JSA Workcoaches as being "to print out copies of any/all roles applied for by the JSA Claimants to present to the JSA Workcoaches as evidence of jobseeking activity" under threat of referral to a decision maker if those JSA Claimants do*

*not comply and despite those JSA Claimants fully completing and presenting their WS1 booklets at every signing on appointment?*

*2 - If the answer to Question 1 is NO, can JSA Claimants then request to the JSA Workcoaches that this statement was removed from their Claimant Commitments?*

*3 - If the answer to Question 2 is YES, can JSA Workcoaches refuse to remove this part of a Claimant's Commitment?*

*4 - If the answer to Question 3 is NO, what can those JSA Claimants do about those JSA Workcoaches for their refusal to remove it?"*

4. The DWP responded on 15 December 2014. It provided two guidance documents on Claimant Commitments and Jobseeker Agreements, along with links to the relevant pieces of legislation that underpin welfare claimants' rights. The complainant did not consider that these documents answered his questions and so reiterated the same request again on 8 January 2015. The DWP responded on 15 January 2015 and maintained its position. The complainant asked his request for a third time on 16 January 2015 and the DWP maintained its position again in its response of 27 January 2015.
5. The complainant asked for an internal review, this was issued on 9 February 2015 and it upheld the DWP's original decision.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 14 February 2015 to complain about the way his request for information had been handled.
7. The Commissioner considers the scope of the request to be whether the DWP holds further information which is relevant to the complainant's request.

### **Reasons for decision**

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8. Section 1 of the Freedom of Information Act 2000 (the Act) states that if an individual submits a request for recorded information to a public authority, the authority has to confirm or deny whether it holds the information. Should it hold the information it has an obligation to provide the information. Both rights are subject to various exemptions under the Act.
9. In cases where there is some dispute between the amount of information located by a public authority and the amount of information

that a complainant believes might be held, the Commissioner – in accordance with a number of First-Tier Tribunal decisions – applies the civil standard of the balance of probabilities. In essence, the Commissioner will determine whether it is likely or unlikely that the DWP holds information relevant to the complainant's request.

10. The Commissioner notes that the complainant's request is worded to draw a yes/no response from the DWP. This can be problematic, as under the terms of the Act requesters are entitled to make requests for recorded information held by public authorities. Should an applicant ask questions and state they should be answered either 'yes' or 'no', the relevant public authority would only be required under the terms of the Act to give a conclusive response should it hold recorded information which provides the answer. There is no requirement to answer 'yes' or 'no' to a question if there is no relevant information held; this removes any element of judgment from the authority's decision.
11. The Commissioner asked the DWP about the role of its work coaches and the procedure involved in the Claimant Commitment process. The DWP was able to refer the Commissioner to guidance that is already available on its website which provides detail on the decision making process and the role of the work coach for Job Seekers Allowance (JSA).<sup>1</sup> It confirmed that none of the guidance stated in compelling terms whether a work coach could "force" a claimant to include a specific sentence within their Claimant Commitment.
12. In the Commissioner's view there is nothing from the DWP's response that indicates further information is held. The Commissioner also enquired about the searches that were carried out to identify relevant information and is satisfied that they were reasonable. The DWP carried out a manual search of Work Coach Claimant Commitment/Jobseeker's Agreement-related guidance; in the Commissioner's view this is appropriate given the scope of the request. Based on this the Commissioner considers that on the balance of probabilities it is likely that the DWP has provided all the information which is relevant to the complainant's request. He is satisfied that the two guidance documents disclosed on Claimant Commitments and Jobseeker Agreements represent the only information held by the DWP of relevance to the request.

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<sup>1</sup> <https://www.gov.uk/government/collections/decision-makers-guide-staff-guide>

13. In order to try and ensure the complainant has as much relevant information as possible the Commissioner has also looked at the requests without the conditional "If the answer to x is y..." parts at the start. However, these again are phrased as wanting yes/no responses and the Commissioner does not expect the DWP to provide a reply in those terms unless it has sufficient recorded information which allows it to make that decision. He has been assured that any relevant documents held by the DWP have been provided, and the Commissioner has not seen anything to dispute this position.
14. Therefore, the Commissioner's decision is that on the balance of probabilities it is likely the DWP has provided the complainant with all of the information it holds which is relevant to the request. The Commissioner does not require any further steps to be taken.

## Right of appeal

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15. 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 123 4504

Fax: 0870 739 5836

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

Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

16. 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.
17. 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 .....**

**Alexander Ganotis**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**