

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (CLAIMS AND INFORMATION) (AMENDMENT)
REGULATIONS 2010

2010 No. 508

1. This Explanatory Memorandum has been prepared by the Department for Work and Pensions (“DWP”) and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

- 2.1 These Regulations allow DWP, training providers, careers advisory services and employers to share social security and employment or training information with each other in connection with the arrangements made by the Secretary of State to secure the provision of advice, support and assistance to persons claiming Jobseekers Allowance (JSA), Income Support (IS), Employment and Support Allowance (ESA) and Incapacity Benefit (IB), to help them acquire or enhance their skills and qualifications with a view to improving current and future prospects of finding and retaining employment.

- 2.2 These Regulations support the delivery of an integrated employment and skills (IES) service. They will also support the proposed Skills Conditionality pilots in 11 IES Trial Districts from 2010 so as to enable relevant partners participating in the pilot to offer a seamless customer journey for anyone obtaining skills support.

3. **Matters of special interest to the Select Committee on Statutory Instruments**

None

4. **Legislative Context**

DWP and the Department for Business, Innovation and Skills (BIS) have been working together to develop an integrated system that brings together and reforms existing employment and skills services to ensure that individuals, particularly Jobcentre Plus customers, get the right help, advice and support to move into, remain and progress in employment. Trials of the new IES service commenced in 12 Jobcentre Plus Districts in England in 2008. These have shown that a paper based process, with different bodies asking customers for the same information repeatedly and relying on customer’s consent at each step for sharing information, is inadequate and severely impacts on the delivery of the service, hence the requirement for these Regulations.

5. **Territorial Extent and Application**

This instrument applies to Great Britain.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 The key conclusion of the [2006 Leitch Review of Skills](#) was that improved skills levels are vital to the UK's future economic prosperity. With 74 per cent of the 2020 workforce having already completed compulsory education and figures showing that one in seven of the UK's working population are without qualifications, the Leitch report outlined that the need to support and empower people to improve their skills levels has never been more urgent.

7.2 The Command Paper, [Opportunity, Employment and Progression: making skills work](#), published in November 2007, outlined how DWP and the Department for Innovation, Universities and Skills (whose functions are now carried out by BIS) would work together (in England) to ensure that ever increasing numbers of people are able to gain the training and skills support they need to move from benefits to work and then have access to the ongoing training they need to progress in work. In February 2009, Scotland commenced informal IES trials across all six of its Jobcentre Plus districts and Wales began small scale trials of parts of the IES process in each of its Jobcentre Plus districts in early 2010. The IES Trials delivered the first steps towards an integrated service and the recent White Paper⁽¹⁾ outlines the intention to further integrate employment and skills services. The ability to share information is a key enabler of these commitments.

7.3 The Prime Minister's Delivery Unit conducted an early review of IES⁽²⁾. The findings confirmed the level of service and quality of intervention received by the customer is severely impacted by the inability to share customer information with providers of education and learning.

7.4 Outlined below are the general principles for operational data sharing that have been agreed between BIS, DWP (including Jobcentre Plus), Learning Skills Council and its successor bodies, and the devolved administrations.

Jobcentre Plus and its partners will ensure the provision of operational data in support of an integrated service that:

- Facilitates the delivery of a high quality service underpinned by a seamless customer journey, with the minimum of bureaucracy for customers, and the agencies they are working with. Information will only need to be collected once for repeated use.
- Allows measurement of success in terms of the number of people helped to gain sustained employment and/or a recognised qualification.
- Provides appropriate Management Information to support managers in delivering an integrated service in each delivery organisation.

¹ "Building Britain's Recovery: Achieving Full Employment", published on 15 December 2009

⁽²⁾ Integrated Employment and Skills Priority Review - A joint review with the Department for Innovation, Universities & Skills and the Department for Work and Pensions undertaken by Prime Ministers Delivery Unit. Final report 20 2.09

- Allows the interrogation of data from the relevant stages in the customer journey to inform future policy development and help refine the customer experience based on the evidence obtained.
- Supports the mandation of Jobcentre Plus customers to Skills Health Checks⁽³⁾ and training activity in England.
- Makes full use of the benefits of technology, whilst ensuring robust and secure data management.
- Provides a solution which works in the context of :
 - Jobcentre Plus/DWP plans for the delivery of welfare reform and the development of IT solutions to streamline customer service delivery
 - BIS future vision of a transformed set of integrated services for adults and employers (in England) which supports the progression in learning and employment, by providing easy access to tailored and high quality advice, guidance, learning and support services, via the Skills Funding Agency (in England) and a wide range of other providers
 - Other longer term planned developments for Information management driven by change processes both within Jobcentre Plus and Skills Funding Agency
 - The development of similar integrated systems in the Devolved Administrations via Skills Development Scotland and the Welsh Assembly Government and their contracted Skills providers
- Provides a coherent framework through which development work can be commissioned to provide an automated transfer of information, and progress reported against plans.
- Has the agreement of, and commitment from LSC, JCP, BIS, DWP and the Devolved Administrations.

7.5 The type of information that will be shared

The regulations provide for the sharing of information on social security, employment, or training (similar to the job goal information currently recorded on a customer's Jobseekers Agreement (JSAg), personal learner record or Skills Action Plan). So, for example, where a customer is referred to a skills assessment, detailed information about their current skills and additional skills needs, and any skills action will need to be shared. This will then be used by Jobcentre Plus as a basis on which to make a decision to refer a customer to a training provision, if appropriate. Information about a customer's current skills and any additional needs may be supplied to a relevant training provider that a customer has been referred to.

Information that Jobcentre Plus would need back from providers who may be delivering skills assessment type services or formal training courses, may include

⁽³⁾ The Skills Health Check (SHC) is an assessment of customer skills to determine skills development needs undertaken by a nextstep adviser contracted by the LSC.

whether the customer has attended/completed the training, the assessment by a provider of the customer's skills needs, the result of any courses that the customer has undertaken and a copy of their updated skills action plans.

Jobcentre Plus and relevant providers will share information in relation to:

- A customer's personal details (name, address, telephone number, date of birth, and NINO)
- a customer's employment history;
- a customer's employment goals;
- a customer's educational qualifications and vocational training;
- any skills that are relevant to employment and any gaps identified;
- the support or activities required to address these, so for example attending a skills health check or a referral to Basic Skills provision ⁽⁴⁾ or other training provision;
- the outcomes achieved (including qualifications and people moving into a job).

Any other information will only be shared between Jobcentre Plus and partner organisations where it is proportionate and necessary to deliver the skills programme.

7.6 Who the information will be shared with

Information sharing will be on a case-by-case basis, between the organisations which are working together to provide a package of help and support for every individual accessing the integrated employment and skills service.

The intention is that information will be shared in both directions between Jobcentre Plus and other organisations. These will include:

- Learning and Skills Council (Skills Funding Agency from April 2010), Skills Development Scotland, the Welsh Assembly Government and their contracted Skills providers and Young Peoples Learning Agency for England;
- providers of careers information and advice contracted by Learning Skills Council/Skills Funding Agency (in England) e.g. Careers Advice Service and nextstep (adult advancement and careers service from 2010);
- DWP/Jobcentre Plus contracted providers;
- Local Employment Partnerships;
- Local Authorities and
- Other Government agencies and local strategic partners.

7.7 Data Sharing and Data Security

Systems and processes are already in place to make sure the exchange of customers' personal information between Jobcentre Plus and providers takes place in a secure environment and in accordance with current Information Risk Management guidance from the Cabinet Office. As the automated system for sharing information is

(5) Basic Skills include assessment by contracted provider to establish whether a customer would benefit from employability skills provision or ESOL provision.

developed, full consideration will be given to ensure it complies with DWP Security Standards and the Data Protection Act 1998 (“DPA”). The DWP and BIS will also implement further steps to ensure that any organisations deemed to be “holders of information” have the appropriate information security measures in place.

7.8 Holding Social Security, employment and training information

Operational measures will be put in place to ensure that the information is proportionate in terms of what will be shared and with whom. Safeguards will also be introduced to ensure secure access to, and storage of the information, in line with DWP/BIS Security Standards.

These regulations will provide for organisations who are working together with Jobcentre Plus to deliver the service, to be able to record and hold social security information in relation to a customer’s employment, skills and training but only for the purpose of developing a customer’s skills and learning, to help them achieve sustainable employment and continued development.

7.9 Links with other initiatives

Local Employment Partnerships (LEP)

Local Employment Partnerships (LEP) were announced in the March 2007 budget as a new way of providing priority customers with an opportunity to get back into employment, whilst developing the skills to stay and progress in work. LEP is based on a simple principle. In return for offering customers the opportunity to get into the work place, Jobcentre Plus supply employers with customers who are ready to work and who have the necessary skills.

However, the LEP process involves a follow up activity whereby Jobcentre Plus is required to contact employers to determine the outcomes of job applications. To enable Jobcentre Plus to do this, they currently have to include a DPA statement in all job vacancies thereby reducing the space available to cover job descriptions. This has resulted in some large public sector employers not participating in the initiative, largely due to the impacts on the content of the job descriptions. Jobcentre Plus also relies on the customer’s signed consent giving permission for Jobcentre Plus to contact employers to obtain the outcome of the job application.

These regulations will enable Jobcentre Plus to contact a LEP employer to gather relevant minimal information about whether Jobcentre Plus customers have successfully started work and from when. The department will retain this information for six months for statistical purposes. No information will be retained by the LEP employer.

The Skills Conditionality Pilots (2010)

The skills conditionality pilots in England (to be introduced by the Jobseeker’s Allowance (Skills Training Conditionality Pilot) Regulations 2010 – currently before Parliament for approval) are dependent upon these regulations to support data sharing in cases where customers are mandated to attend training provision, to confirm details of the appointment and whether or not the customer attended and/or participated and any outcomes.

7.10 Consolidation

There are no immediate plans to consolidate the Regulations as amended. Informal consolidation will be provided by way of “The Law Relating to Social Security” (Blue Volumes), available on line and free of charge to the public at <http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security/>

8. Consultation outcome

8.1 The Government gave its response to the Leitch Review of Skills in the Command paper “*World Class Skills: Implementing the Leitch Review of Skills in England*” in July 2007. This explained how the new adult careers service and Jobcentre Plus would work together in a mutually supportive way to deliver seamless customer service.

8.2 These Regulations are necessary to deliver commitments announced in the DWP White Paper, *Building Britain’s Recovery: Achieving Full Employment* on delivering better integration of employment and skills systems and the alignment of Jobcentre Plus services with the new adult advancement and careers service in England.

8.3 Proposals for the draft regulations were presented to the Social Security Advisory Committee on 6th January 2010. The Committee have decided not to ask the Secretary of State for the proposals to be formally referred to them under section 172(1) of the Social Security Administration Act 1992.

8.4 As the commitments to deliver a seamless customer service have already been announced by Ministers, and the new operational data sharing powers were subject to scrutiny in the Bill for the Welfare Reform Act 2009 which received Royal Assent on 12th November 2009, further consultation is not planned.

9. Guidance

Detailed guidance on both regulatory and operational changes will be developed within JCP and LSC to support testing of the approach in the current IES Trials areas, prior to full national implementation of IES from February 2011.

10. Impact

A full impact assessment has not been or produced for this instrument as it has no impact on the private or voluntary sectors.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

12.1 IES is supported by a programme of research and evaluation, the first phase of which began shortly after the trials started in 2008. The overarching aim of the

evaluation is to provide a holistic picture of how the policy intent has been interpreted and delivered on the ground and to explore the impact of greater integration between employment and skills.

12.2 Further qualitative research will be delivered in 2010, and a customer survey will be conducted in IES trial areas. This research will continue to examine the operation, and customer experience, of the IES customer journey. We expect to deliver further research reports in 2010 and a final IES trials evaluation report in 2011.

12.3 There is no specific research or evaluation project, or success measure, for the Regulations themselves. As they are intrinsic to the delivery of the customer journey, evidence will be gathered on, for example, the customer experience of the system in which they are used - whether customers experience a seamless service or need to repeat details/information at various stages.

13. Contact

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