

## Section 14 – Management Responsibilities

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### Introduction

14.2. This section is designed to give you a broad overview of your management responsibilities to both the Flexible New Deal (FND) customers and Jobcentre Plus (JCP).

14.3. The section also gives an overview of the main legislative requirements that govern your dealings with customers. Links are given, where appropriate, which give more information on legislative requirements.

### Premises

14.4. Consistent with the concept of giving customers a work-like experience your provision must be delivered from premises that are of a high standard and that

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offer a professional, business like environment. They should be appropriate to the expected through flow of customers and method of delivery.

- 14.5. You should also bear in mind that some customers will be covered under the [Disability Discrimination Act](#) (DDA) and you therefore need to make reasonable adjustments in line with this.
- 14.6. You will need to provide areas where customers can work without distraction and areas that afford the privacy needed for one to one discussion. This is because, on occasion, you will be dealing with issues of a sensitive and/or confidential nature.

### **Use of JCP premises**

- 14.7. If any JCP premises are made available for your use it will be conditional that you use them solely for the purpose of performing your obligations under your contract.
- 14.8. You will be regarded as a licensee for the duration of your contract and have no right to exclusive possession of the JCP premises and any use of JCP premises will be at the JCP manager's discretion.

### **Location and transport**

- 14.9. You must ensure that people can readily get to your premises. Where particular transport issues exist, for example in more rural areas, you must take steps to address these issues to enable customers to participate fully on your provision.
- 14.10. You must discuss any plans to relocate premises with your Performance Manager.

### **Opening times**

- 14.11. When planning your opening times remember it is your responsibility to provide a service that is convenient to your customers. Your premises must be open for at least 7 hours a day, 5 days a week, except for Bank Holidays and the period in between the Christmas and New Year Bank Holidays.
- 14.12. In normal circumstances, therefore, your provision will be available for 51 weeks of the year and enable you to meet the participation requirements set out in the specification to your contract and in the programme specific sections of this guidance. Your contract will only allow you to close at other times in exceptional circumstances.
- 14.13. In the event of extreme weather, or in exceptional circumstances preventing you from opening, you are expected to provide alternative activities for customers to undertake and you should keep a record of what these were.

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### Customer identity checks/ fraud action

- 14.14. It is important that in any communications with customers you verify the customers identity, ensuring that you are satisfied the customer is who they say they are. These checks could include asking the customer to state their:
- full name;
  - date of birth;
  - address; and,
  - National insurance number.
- 14.15. You may also decide to request further information such as details that were included within the original referral from JCP such as:
- a customers preferred employment goals; or,
  - details of a customer's previous 2 periods of employment.
- 14.16. It is your responsibility to carry these identity checks and you may decide to use a combination of this information to verify identity.
- 14.17. If you suspect someone is impersonating a customer fraud action should be taken. The National Benefit Fraud Hotline (0800 854 440) is a government service for the confidential reporting of benefit fraud. Reports of suspected fraud can be made by post, over the telephone or online. For further information please see [http://www.direct.gov.uk/en/DI1/Directories/DG\\_10026666](http://www.direct.gov.uk/en/DI1/Directories/DG_10026666)

### Customer advocates/ appointees

- 14.18. An advocate or appointee can support any customer. Advocates/ appointees could fall into any of the below categories:
- formal advocates that are appointed by a court;
  - informal advocates such as a friend or family member that is appointed by a customer; and,
  - appointees assigned by DWP rather than a court or the customer. Their role is to conduct all a customer's benefit related business with JCP and benefit delivery centres.
- 14.19. Further information on working with customer representatives can be found at: <http://research.dwp.gov.uk/advisers/repsguide.pdf>

### Customers without an address

- 14.20. JCP will ensure that all customers that are referred to you for support provide an address for dealing with correspondence relating to their claim to Jobseekers' Allowance (JSA).
- 14.21. Where a customer does not have a fixed address they are permitted to use a 'care of' address. This address will be detailed when the customer is referred to you.
- 14.22. It is your responsibility to maintain contact with customers throughout their FND support period, and must agree how they will be notified of future meetings/ interviews.

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### **Ensuring customers are available to attend their fortnightly jobsearch reviews with JCP**

- 14.23. Throughout the customer's claim to JSA, (where they are not in receipt of training allowance) they are required to attend JCP on a fortnightly basis. When the customer attends they will sign a declaration detailing that they are available for employment and are actively seeking work, which is a requirement for the customer to remain entitled to JSA, this will take place at a fortnightly jobsearch review (FJR).
- 14.24. You must therefore allow time for customers to attend their job search reviews (you will be notified with the referral when the customer is required to attend JCP for these reviews), as failure to attend as required could result in a loss of benefit for the customer ([Further information regarding the customer referral can be found in: Section 2 – Customer Referrals, Starts and Allotted Time](#)).

### **Customer payment problems**

- 14.25. Customers will normally receive their JSA payments 2 days after attending their FJR. In normal circumstances they should wait 3 working days before they can report that a payment has not been received.
- 14.26. Should a customer notify you that they have not received their payment you should inform them of the above, and notify them to report this with their local JCP office (where they attend their FJR).

### **Complaints handling**

- 14.27. All customers referred to you, should expect the same level of service as they would receive from JCP. The JCP Service Standards can be found online at: [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk).
- 14.28. You should be sensitive to the needs of customers and ensure that you are meeting their needs. However there may be occasions when a customer wishes to complain about their provision or air grievances.
- 14.29. You must ensure visible and promoted systems are in place to allow customers to resolve any grievances, concerns or complaints promptly and with the minimum level of bureaucracy, without causing them embarrassment. This includes complaints in relation to discrimination.
- 14.30. You must always, initially, try to resolve complaints internally. In some circumstances, however, it may be necessary to contact JCP for additional advice. Similarly you should direct the customer to contact JCP when their complaint relates to issues concerning benefit (e.g. benefit reduction e.g. sanctions).
- 14.31. Where a customer has a complaint about your service they have the right to complain to you directly. You must explain to the customer your "Grievance and Internal Complaints" process and the escalation route through your organisation.

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You must inform them of the timescale for resolution and how you will formally notify them of the outcome.

- 14.32. You must also ensure that customers are aware that if complaints are not managed to their satisfaction, they still have access to the JCP complaints procedure. (from October 2009) Where a customer wishes to complain to JCP you should direct them to obtain the leaflet 'Our Service Standards' which explains more about how to complain to JCP. A copy of the form is available online at: [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk) or from any JCP Office.
- 14.33. You must ensure that you record any discussions and their outcomes, allowing the customer to see and sign the record.

### Member of Parliament (MP) letters

- 14.34. Members of Parliament (MPs) may contact you as a result of receiving queries from their constituents. JCP have systems in place to deal with MPs letters therefore it is important you consult with the Third Party Provision Manager (TPPM) as soon as possible so responses can be dealt with swiftly.

### Administration management

- 14.35. You are responsible for the day-to-day administration of the provision.
- 14.36. You must have systems in place, which will ensure all administrative work, including that of any sub-contractors you use, is completed to the required standard within the time limits imposed by Department for Work and Pension (DWP) and JCP.
- 14.37. This will include:
- providing regular management and performance information to DWP and JCP as required;
  - keeping track of customers and letting JCP know of their movement into, through and out of provision and into employment or other activities;
  - letting JCP know of customers' progress, including any difficulties they may be experiencing that affect their ability to participate in and benefit fully from your provision;
  - ensuring audit requirements are met; ([Further information regarding audit requirements can be found in: Section 16 – Data Security, Audit and Information Retention](#)).
  - having in place and operating systems to handle financial administration promptly and accurately, including keeping appropriate records and documentation;
  - facilitating access by monitoring staff, auditors, evaluators, Ofsted/ Estyn/ HMLe and others at the request of DWP; and,
  - reporting to the JCP office all relevant accidents involving JCP customers while they are in your charge, including those that occur whilst the participant is on placement at a sub-contractor and Health and Safety monitoring as a result of any changes. ([Further information regarding reporting customer](#)

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accidents and incidents can be found in: [Section 10 – Notifications and Changes in Circumstance](#)).

### Record keeping

- 14.38. For the duration of the contract, you must keep up to date and accurate records and must ensure that use of information held complies with the Data Protection Act (DPA). ([Further information regarding DPA can be found in: Section 16 – Data Security, Audit and Information Retention](#)).

### Legislation, the Jobseeker's Allowance Act and principle regulations

- 14.39. You must take steps during the lifetime of your contract to ensure that you remain compliant with current and future changes in the law. You must support the Secretary of State in meeting their obligations under the Data Protection, Freedom of Information, Disability Discrimination and Human Rights Acts. This includes the Disability Equality Duty (DED).
- 14.40. It will continue to be JCP responsibility to oversee the customer's claim to JSA throughout their journey through FND. However you must support JCP in this task.
- 14.41. You are required to familiarise yourself with all Primary Legislation and Principal Regulations which can be viewed at:
- Jobseeker's Act 1995, Chapter 18:  
[http://www.opsi.gov.uk/ACTS/acts1995/ukpga\\_19950018\\_en\\_1](http://www.opsi.gov.uk/ACTS/acts1995/ukpga_19950018_en_1)
  - Jobseeker's Allowance Regulations 1996:  
[http://www.opsi.gov.uk/SI/si1996/Uksi\\_19960207\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1996/Uksi_19960207_en_1.htm)

### Equal opportunities

- 14.42. In delivering your services you should ensure that you comply with the DWP Equal Opportunity policy which states:
- the Department is committed to providing services which embrace diversity and which promote equality of opportunity. The Department will provide equality of opportunity and will not tolerate discrimination on grounds of gender, marital status, sexual orientation, race, colour, nationality, religion, age, HIV status, working pattern, caring responsibilities, trade union activity or political beliefs – or any other grounds.
- 14.43. For further information, you should refer to the following legislations:
- [Race Relations Act](#).
  - [Disability Discrimination Act 1995](#) and [Disability Discrimination Act 2005](#);
  - [Sex Discrimination Act 1975](#); and,
  - [Employment Equality \(Age\) Regulations 2006](#).
- 14.44. You should promote equality in a proactive way by integrating gender equality and equal opportunities into the planning, implementation, monitoring and evaluation of your service. You are required to promote equal opportunities and

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ensure that provision identifies and meets the specific diverse requirements of customers so that they can participate fully in provision.

- 14.45. You must also have an Equal Opportunities Policy for staff and customers, which should consider issues such as:
- recruitment processes;
  - meeting the needs of the varying customer groups;
  - access to premises; and,
  - publicising the project to ensure equal treatment.

### **Communicable disease**

- 14.46. A communicable disease is a disease which can be passed from one person to another. The term communicable disease is used as an umbrella term to cover all contagious and infectious diseases.
- 14.47. A notifiable communicable disease is one of a number of communicable diseases which are classed as “notifiable” under the Public Health (Control of Disease) Act 1984 or the Public Health (infectious Diseases) Regulations 1988.
- 14.48. General Information on communicable diseases can be found on the [Health Protection Agency](#) and the [NHS Direct](#) websites.
- 14.49. Systems should be in place between JCP and you as restricted / sensitive information should only be notified to a designated person, i.e. in JCP this could be the Third Party Provision Manager (TPPM) ([Further information regarding reporting customer accidents and incidents can be found in: Section 10 – Notifications and Changes in Circumstance](#)).

### **Analogous Industrial Injuries Scheme**

- 14.50. The JCP office pays Disablement Benefit to employed earners who are injured as a result of an accident or who contract an industrial disease at their place of employment. To ensure non-employed programme trainees/customers are neither advantaged nor disadvantaged, the Department for Innovation, Universities and Skills (DIUS) runs an Analogous Industrial Injuries Scheme (AIIS), which operates to the same conditions, uses the same advisers and pays Disablement Benefit at the same rate as the statutory scheme run by JCP. The budget for AIIS is held centrally by JCP and includes funding for the whole of England, Scotland and Wales.
- 14.51. This is a ‘no blame’ benefit, payable to victims of industrial disease or injuries that are sustained on programmes with a workplace based element. JCP funds the scheme for its own programmes and this is administered on its behalf by the Department for Innovation, University and Skills.
- 14.52. If an accident happens, or if a customer contracts an industrial disease on a scheme covered by Analogous Industrial Injuries Scheme, the customers may be eligible for Disablement Benefit through the Analogous Industrial Injuries Scheme. The customer will then be invited by the Department for Innovation, Universities and Skills to make a claim. If the claim to Analogous Industrial Injuries Scheme is

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accepted, the Department for Innovation, Universities and Skills will make payments from the fifteenth week after the accident.

- 14.53. If the injured participant is unable to continue on the programme you should advise them to contact their local JCP office immediately, as they may be able to claim other benefits ([Further information regarding reporting customer accidents and incidents can be found in: Section 10 – Notifications and Changes in Circumstance](#)).

### **Criminal record checks**

- 14.54. Changes to legislation brought about by the Police Act 1997 Section V altered the arrangements for obtaining criminal record checks. From April 2002, the Criminal Records Bureau and the Scottish Criminal Records Office took over the role from local police authorities for checking criminal record information for employment and volunteering purposes.
- 14.55. These checks are known as ‘Disclosures’. The aim of the Disclosure service is to enhance public safety and enable employers and voluntary organisations to make safer recruitment decisions. Further information on Disclosures and for carrying out any criminal record checks that are required can be found on the [Criminal Records Bureau](#) Website.

### **Children and other vulnerable groups**

- 14.56. On occasion, as part of your provision, you might organise opportunities where customers would come into contact with children or other vulnerable groups. It is your responsibility to ensure that customers are suitable for such opportunities.
- 14.57. You are responsible for ensuring that you fully comply with the [Safeguarding Vulnerable Groups Act 2006](#), [The Safeguarding Vulnerable Groups Order \(Northern Ireland\) 2007](#) and the [Protection of Vulnerable Groups \(Scotland\) Act 2007](#).

### **National Minimum Wage Act**

- 14.58. You are required to ensure that customers are not submitted to jobs or paid work experience placements that do not meet the requirements of the National Minimum Wage (NMW) rate appropriate to their age, or conform to the underpinning legislation.

### **Data protection and freedom of information**

- 14.59. Information on what is required of you in respect of the Data Protection and Freedom of Information Acts is contained in the Terms and Conditions of your contract. ([Further information regarding Data Protection can be found in: Section 16 – Data Security, Audit and Information Retention](#)).

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### Disability Discrimination Act 1995

- 14.60. The Disability Discrimination Act 2005 builds on and extends earlier disability discrimination legislation, principally the Disability Discrimination Act 1995.
- 14.61. Under the Disability Discrimination Act 1995, small to medium sized businesses have to make [reasonable adjustments](#) so they do not discriminate against disabled customers or employees.
- 14.62. The law has been designed so that employers only have to make reasonable changes, but if you fail to do what is reasonable, a disabled person could take legal action against you for treating them unfairly. For further information please see the [Disability Discrimination Act](#).

### Disability Equality Duty

- 14.63. Despite the civil rights that exist under the [Disability Discrimination Act 1995](#), ignorance, thoughtlessness and prejudice can still result in institutionalised discrimination that adversely affects the lives of disabled people.
- 14.64. To address systematic disadvantage, the [Disability Discrimination Act 2005](#) introduced a duty on all public authorities to promote equality of opportunity for disabled people.
- 14.65. The Disability Equality Duty requires public bodies to carry out their functions with due regard to the need to:
- eliminate unlawful discrimination;
  - eliminate disability-related harassment;
  - promote equality of opportunity for disabled people;
  - promote positive attitudes towards disabled people;
  - encourage disabled people to participate in public life; and
  - take steps to meet disabled people's needs, even if this requires more favourable treatment.
- 14.66. This duty applies to all public authorities **including private organisations carrying out some public functions** (but only in so far as those functions are concerned). These organisations must ensure they have 'due regard' to each of the six parts of the duty by giving due weight to the need to promote disability equality in proportion to its relevance in all their decisions and functions.
- 14.67. Failure by your organisation to have due regard when carrying out a public function could result in your organisation being subject to judicial review. It is therefore important that you have a mechanism in place to assess the impact of your policies and practices on disability equality in order to ensure you are having due regard to the promotion of disability equality.
- 14.68. Further information about the disability equality duty can be found in the Disability Rights Commission's Code of Practice on the [Equality and Human Rights Commission](#) website.

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14.69. There is a similar public sector duty in respect of gender equality, which must also be considered.

### **Marketing and publicity**

14.70. You must make some information about your services available to JCP for issue to customers. However, there is no requirement to market your provision to customers who are not directly referred to you by JCP. You can produce material for customers but not for the purposes of customer recruitment. ([Further information regarding Marketing and Publicity can be found in: Section 18 – Marketing and PR](#)).

### **Welsh Language Act**

14.71. Under the [Welsh Language Act \(1993\)](#) suppliers in Wales are required to ensure that customers can conduct their business with them in either English or Welsh and that the provision complies with the DWP Welsh Language Scheme. Information about the scheme can be found at: <http://www.dwp.gov.uk/publications/policy-publications/welsh-language-scheme/>

14.72. Suppliers who are operating in Wales must produce bilingual publicity and advertising materials and, if requested, customers must have access to interviews conducted in the language of their choice.

### **Provision for speakers of other languages**

14.73. Customers of any nationality may require an interpreter. Under the [Race Relations Amendment Act \(2000\)](#) and the Disability Discrimination Act, you are responsible for making appropriate provision to communicate with customers who do not speak English or Welsh, or who are deaf, hard-of-hearing or have a speech impediment.

14.74. Where you are operating in an area with a high minority ethnic population, materials in the appropriate ethnic minority language should be made available on request.

### **Sustainable development**

14.75. DWP supports the main goal set out in the UK Strategy for Sustainable Development, Securing the Future – 2005, which is to “enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations”.

14.76. The UK Strategy for Sustainable Development has four main aims:

- social progress that recognises the needs of everyone;
- effective protection of the environment;
- prudent use of natural resources; and,
- maintenance of high and stable levels of economic growth.

14.77. An overview of sustainable procurement in DWP can be found in the DWP Sustainable Procurement awareness sheet for suppliers. If you haven't already

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received this document then contact your Performance Manager who can provide a copy. The document also gives details of the Sustainable Operations on the Government Estate (SOGE) targets that DWP, along with the rest of central Government, must make progress towards.

- 14.78. When delivering services outside the DWP estate, you (including your subcontractors) should, where possible, make all reasonable endeavours to comply with the principles set out in the UK Strategy for Sustainable Development and the SOGE targets.
- 14.79. When delivering services on the DWP estate (JCP premises) you (including your subcontractors) should, where possible, work with DWP to assist in making progress towards the SOGE targets and the wider sustainable development principles.
- 14.80. You will be required to complete a policy statement (within six months of the contract start date) to demonstrate how you will satisfy and adhere to the principles of sustainable development.
- 14.81. As part of this policy statement, you will need to give an assurance that your waste is disposed of by a registered waste collector, in accordance with current regulations, and that items such as ink cartridges and toners are recycled or disposed of in the correct way. Assurance must also be provided that Waste Electrical and Electronic Equipment (WEEE) regulations are observed with regard to the disposal of electrical and electronic equipment.
- 14.82. You must produce an action plan relating to sustainable development (within six months of the contract start date) to explain:
- how waste produced will be minimised and the promotion of recycling within your business;
  - how energy consumption will be minimised;
  - how the use of transport will be minimised and how you will promote the use of public transport;
  - how staff awareness of sustainability will be increased;
  - details of a baseline assessment of your current position in terms of waste minimisation, recycling levels and energy consumption (energy consumption will only be required if current energy usage is available); and,
  - annual estimates of the progress of your actions detailed in their plan.
- 14.83. Sustainability must be integrated into services so that they are delivered through a sustainable, innovative and productive economy that delivers high levels of employment and a just society that promotes social inclusion, sustainable communities and personal well being. This will be done in ways that protect and enhance the physical and natural environment and uses resources and energy as efficiently as possible.
- 14.84. Provision will improve the employability of customers and deliver environmental or community benefits by:
- using innovative methods (including those that reduce travel requirements) to deliver services;

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- supporting skills and jobs identified that will work towards improving conservation;
- identify skills needed in work areas that will have a positive effect on the environment;
- reduce skills gaps locally; and,
- providing placements delivered through local and charitable organisations.

### Partnership Working

14.85. You must engage with a wide range of other organisations to understand their respective roles and identify shared local (and national) objectives. You must also understand what other provision is being offered locally so that the support offered through FND complements and does not conflict with other provision, including integrating employment and skills to move people into sustainable employment and help them progress. This will involve working very closely with JCP, employers and other organisations from the Public, Private and Third Sectors. ([Further information regarding partnership working can be found in: Section 15 – Partnership Working](#)).