

WORKSTEP and/or Work Preparation contracts

19 May 2009

Dear Provider,

I am writing to ask for your help with the provision of some key information about the delivery of your WORKSTEP and/or Work Preparation contract.

As you know, the Department for Work and Pensions (DWP) are currently taking forward work to develop and put in place the new Specialist Disability Employment Programme. This activity is currently underway and we anticipate issuing detailed Invitations to Tender to organisations successful at the Pre Qualification stage at the end of July.

Current WORKSTEP and Work Preparation contracts come to an end in 2010 as a result of this activity. We have been advised that Transfer of Undertaking (Protection of Employment) Regulations (TUPE) may apply in the event of a transfer of responsibility from your organisation to a new service provider. TUPE protects employee terms and conditions of employment when the business in which they work transfers from one employer to another.

For the contracting process to be successful, potential service providers need to know what staff resources they will have for providing the services and the internal costs of their employment. This means that information on the number of staff who may be affected and their existing terms and conditions of employment needs to be factored into the preparation of tenders.

In order to facilitate the tendering process and support our customers during this period of change, the Department is seeking to collect information about the current programme from our suppliers. The Department will impose an obligation on all tenderers, requiring that the information supplied to them is treated as confidential and is not disclosed or used for any purpose other than the preparation of a bona fide tender.

The collection and distribution of this information is to ensure that bidders are able to provide detailed responses to the Invitation to Tender. Provision and acceptance of staffing data in no way implies that TUPE does necessarily apply to these employees. Providers and bidders are advised to seek their own legal advice on the application of TUPE.

Also, a number of WORKSTEP participants are supported at least in part by a Financial Support Agreement from the provider to the employer. The Department will ask that any agreements in place before the 18th May 2009 are honoured. These payments will, therefore become a liability for incoming providers. Further guidance will be issued shortly confirming the position for new agreements made after this date.

Therefore, I am also seeking your assistance regarding the extent and nature of any Financial Support Agreements that your organisation pays to host

employers. The handling and sharing of this data will be on the same basis as mentioned above.

There are particular complexities in moving from the two employment programmes currently delivered sometimes by two sets of providers to a single programme delivered under the prime provider contracting model. In addition there are considerable sensitivities that arise from the fact that some of your customers and ours may struggle to understand or embrace change.

I am asking you to support us in our commitment to our customers and our suppliers to ensure a smooth transition of the services by providing some key details about those people who are employed by you, including WORKSTEP participants. There is no requirement to identify them by name at this stage.

DWP has complied with the [Information Commissioners guidance on Data Protection in requesting the TUPE information.](#)

The information once returned will be stored securely within DWP.

What we are asking you to do

- All WORKSTEP and Work Preparation providers please fill out a [TUPE spreadsheet](#) for each of the [new contract package areas](#) you currently deliver in.
- All WORKSTEP providers please also fill out the [Financial Support Agreement spreadsheet](#) for each of the [new contract package areas](#) you currently deliver in.
- If you have a national contract, this could mean up to 28 TUPE spreadsheets and 28 Financial Support Agreement spreadsheets.
- If you have a WORKSTEP contract and a Work Preparation contract in the same new contract package area, please put this information on a single spreadsheet.

There may be instances where contract staff or participants live outside of a contract package area, but work inside it, or vice versa. Where this is the case, please use the following as a guide:

- Contract staff should be included in the contract package area where the local office they work at is based.
- Participants should be included in the contract package area where the local office to which they are assigned is based.

Further guidance on completing the spreadsheets can be found here:

- [TUPE spreadsheet guidance](#);
- [Financial Support Agreements spreadsheet guidance](#).

Please complete the spreadsheets and arrange for their return by: **4th June, 2009.**

Returns should be e mailed marked as RESTRICTED to:
SPECIALIST.DISABILITYPROVISION@DWP.GSI.GOV.UK

PLEASE NOTE: By sending this e mail you are confirming that all of the information you have supplied, for the purpose of this exercise, can be used to advise and inform those providers identified as preferred bidders at the Invitation to Tender stage.

Return emails should be no larger than 3MB in size, preferably smaller – any larger than this and they will not reach our inbox. Please send spreadsheets as separate emails if necessary.

Please keep a copy of the information you supply, as it is likely we will have to contact you again.

Thank you for your assistance. If you have any further queries about this, or wish to discuss it in more detail please contact the Project at
SPECIALIST.DISABILITYPROVISION@DWP.GSI.GOV.UK

Thank you for your co-operation in this matter.