

Questions Andy Wilson received during the Transitional activities presentation

Q1: Will there be an appeals process for public sector workers who don't want to transfer?

Reply: In relation to TUPE transfers, providers will need to seek their own legal advice. In relation to any WORKSTEP participants who are placed or employed as public sector workers and receiving support via a WORKSTEP provider, which will be offered under Work Choice. The participant has the option not to transfer to Work Choice but this would mean they would then enter unsupported employment.

Q2: Any ESF match requirements on existing WORKSTEP providers?

Reply: We are currently working to identify any ESF match requirement on WORKSTEP providers. If any WORKSTEP contracts have been used for ESF match, providers should be aware of requirements and should discuss any issues they may foresee with their contract manager.

Q3: When a participant is supported by a Local Authority (LA) WORKSTEP provider, on placement / in employment within another LA, which LA takes the lead in communicating with the participant?

Reply: The LA WORKSTEP provider that is supporting the participant.

Q4: How is the data being tracked so that we can ensure it is current at October 2010?

Reply: The form which will be used to pass participant information between WORKSTEP, Work Choice providers and DWP will initially be completed by the WORKSTEP provider and then checked / updated by the Work Choice provider before sending to DWP. This will ensure the data is as accurate as possible.

Q5: What can providers spend the transitional payments money on? Is there a minimum amount?

Reply: Contract managers will be covering the arrangements with individual WORKSTEP providers early in the new year.

Q6: What are the TUPE obligations around SEP customers and who is responsible?

Reply: DWP has published the TUPE advice it has received in the service requirement for Work Choice, which can be found on Supplying DWP web site:

<http://www.dwp.gov.uk/docs/workchoice-final-spec.pdf>

WORKSTEP providers will need to seek their own legal advice in relation to all WORKSTEP customers including those customers who were part of SEP or any programme prior to SEP.

Q7: Will there be guidance on how to transfer hard copy files and which pieces of documentation each provider needs to retain?

Reply: Work Choice and WORKSTEP provider guidance will clarify arrangements where not currently covered in guidance.

Questions Malcolm Gentle received during the F.I presentation

Q8: Can WORKSTEP providers approach their current employers receiving an financial incentives (F.I) and confirm the F.I is guaranteed in Work Choice?

Reply: The current intention is to guarantee FI's as outlined in the FI briefing issued July 2009. Further information will be issued in early 2010.

Q9: What is the definition of an F.I? Is it used for support or as a wage subsidy?

Reply: There is no absolute list or definition but the project considers a FI to be the movement of money from a WORKSTEP (Work Choice) provider to any organisation that employs or provides a place of work for a WORKSTEP participant.

Q10: What do we mean by LA? What is included under LA (e.g fire / police authorities, NHS etc)?

Reply: The project will clarify this as part of the guidance

Q11: Will there be a contractual agreement between providers and the host organisations such as Tesco for these FI's?

Reply: This is a matter for the prime providers but DWP will require a clear auditable process to be in place.

Q12: Whose responsibility will it be to tell LA's of the reduction of funding for LA to LA FI's? Is this something providers can begin to discuss with LA's now?

Reply: DWP have previously produced communications in relation to F.I's and will continue communicating via these channels. Further communications will be issued in 2010 to further clarify the position on F.I's

Q13: Who holds accountability for the movement of FI's? And how will the mechanics of moving FI's work?

Reply: Further communications will be issued in 2010 to clarify the detailed process

Q14: Couldn't LA's just transfer some of their employees to different departments to avoid the exclusion?

Reply: Any changes in relation to FI's made after 18th May 2009 (as outlined in the WORKSTEP contract variations issues in May / June 2009) are not protected beyond the end of the current WORKSTEP contract.

Q15: Of all the FI's identified in the data collection, how many are in the private sector and how many are in the public sector?

Reply: Estimated to be around 37% Public sector, 7% Private sector and 56% Voluntary sector.

Q16: Are there large regional variations in the amounts of FI's?

Reply: There are variations in FI's from contract package to contract package and the funding for each CPA will reflect this

Q17: Will participants who work in Other Government Departments (OGD's) not be expecting FI's i.e. has this been communicated to them?

Reply: Further communications will be issued in 2010 to clarify position on FI's

Q18: Can Primes still pay excluded FI's out of their own pocket?

Reply: Yes, If they wish to do so, but the agreement cannot go past the end of the providers Work Choice contract.

Q19: Why is this exclusion only applying to the public sector when exactly the same situation can and does occur in the private and third sectors?

Reply: See FI briefing document issued in July 2009.

Q20: When will the budgets of the package areas be changed to reflect the mistakes made in placing supported businesses in them?

Reply: Final values will be confirmed before contract award. (Also see Work Choice ItT Q&A log questions 189,209,219)

Q21: If the sub-contractor negotiates a reduction in FI's above natural depreciation, do they keep the money saved or does this go to the Prime?

Reply: This is a matter for the prime and sub contractor to agree

Q22: Why can't supported business places be paid at the start of the first year for the full five years? This could be an important factor in those supported business looking to survive.

Reply: DWP will investigate this request.

Q23: When and how do providers apply for the (up to 30k) funding for transitional activity?

Reply: Contract managers will be covering the arrangement with individual WORKSTEP providers early in the new year.

Comments & questions recorded on Flip Chart

Transitional questions

Q24: (a) Are employers grants to support needs of a retention client the same as a financial incentive paid for someone new to employment? (b) Are they still subject to exemptions?

Reply: (a) If funding is coming out of the WORKSTEP funding, then yes. (b) Under the current proposal, yes they are still subject to exclusion.

Q25: If continuation of employer grants is down to the incoming Prime contractor will service providers have to negotiate on a case by case basis?

Reply: The primes may choose to review / negotiate but this can only be done once the contracts go live in Oct 2010.

Q26: Statement "In principle government departments should not receive permanent subsidies" Does this infer that they could be eligible for short term subsidies?

Reply: No

Q27: If the support / financial incentive provided to LA employer is by someone other than LA Work Choice provider, can the incentive be continued / offered?

Reply: The current intention is to guarantee financial incentive as outlined. Further information will be issued in 2010.

Q28: What is the timescale (deadline) for confirming (notifying) sub contractor arrangements for TUPE negotiations?

Reply: Potential bidders were asked to include details of sub contractors in their bids. Timescales / negotiations should meet the minimum set out in TUPE regulations.

Q29: What is the likely date we will be able to speak to existing employers re ongoing subsidy from new providers (not covered by exclusion) given that new contractors will not be able to mention it to employers until Oct 2010 (As per slide)?

Reply: The current intention is to guarantee financial incentive as outlined. Further information will be issued in 2010..

Q30: Can DWP co-ordinate information as it becomes available on TUPE and provide it to all WORKSTEP contractors, rather than individual contractors having to ask the same questions individually.

Reply: Yes, but it is dependant on what information you are referring to. DWP will only provide information / support in line with what is outlined in the DWP Commissioning strategy.

Q31: When will JIS stop and what will happen to the customers on this programme i.e. the data around who is the employer?

Reply: Job Introduction Scheme (JIS) will be available upto 22nd October 2010. Any grants authorised on or before 22nd October 2010 will be honoured upto the standard 6 weeks / 13 weeks where extended.

Q32: Will there be overlap to claiming progressions or sustained progressions?

Reply: Yes, Both WORKSTEP and Work Choice providers could claim outcomes for a transferring participant, provided they meet the standard outcome definitions set out in the respective programme guidance.

Non transitional questions

Q33: Can a LA sub contractor provide support in the form of funding for an employee within a Local Authority?

Reply: The current intention is to guarantee financial incentive as outlined. Further information will be issued in 2010.

Q34: Can we protect the places we have as an employer for the 18 people we employ with our WORKSTEP support?

Reply: If by referring to the “employer” you mean supported business, the project has already agreed and protected a number of places within supported businesses when Work Choice goes live in October 2010.

Q35: Is Access to Work available to LAs? Is it available to supported businesses, most of them are owned by LAs.

Reply: Access to Work (AtW) supports individual disabled people by providing a range of help to overcome work related obstacles resulting from disability. AtW supports the individual customer by tailoring support to meet the needs of the individual in their particular job. AtW does not provide funding for businesses but for customers, the customer makes the application, not the employer. Currently there are limitations on AtW support for applicants on WORKSTEP

The contact details for AtW enquiries are available on both the DirectGov and Jobcentre Plus web sites.