

# Withdrawn

This publication is withdrawn.  
The publication is no longer current.

## Section 08 – Retention

This Section pertains to referrals to Work Choice made **prior** to the current contracts' extension period in England and Wales which commenced in April 2017, and to referrals in Scotland up to 31<sup>st</sup> March 2017.

For guidance pertaining to all referrals to Work Choice in England and Wales made **during** the current extension period, specifically referrals from 25th April 2017 for contracts originally awarded in 2010, and from 7th April 2017 for Remploy, please see "Work Choice Provider Guidance: Post-April 2017" version which will be found on GOV.UK :

<https://www.gov.uk/government/collections/dwp-provider-guidance>

**NOTE: as all referrals to the Work Choice programme have now ceased, due to upcoming programme closure, this section is largely obsolete. It is retained here for reference only.**

8.1. This section covers:

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### Retention

- 8.2. Supported jobs are intended for unemployed disabled people with complex work-related support needs which prevent them from being able to work in an unsupported environment.
- 8.3. An employee who becomes disabled, or whose existing disability worsens, while working in an unsupported job can often retain their job with support from their employer.
- 8.4. Under the Equality Act 2010 employers have a duty to make reasonable adjustments to avoid a disabled person being placed at a substantial disadvantage compared to non-disabled people. This duty has three elements: they may have to make adaptations to their disabled employee's working arrangements; to their premises; or they may have to provide an auxiliary aid, such as an adaptation to equipment. For adjustments that are not seen as reasonable for an employer to make, Access to Work may be able to provide support if the employee is eligible. [Please see Annex 6 for further information about Access to work](#) and follow this link for the Equality Act 2010:  
[http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)
- 8.5. However, if an employee (or a self-employed person) becomes newly disabled, or their existing disability changes in a way that puts their prospects of continued employment at serious risk, (and Access to Work cannot provide an immediate solution), then support from Work Choice

may be required to ensure the employee retains their job. This intervention is termed 'Retention'.

- 8.6. Where a customer requires Retention support from the Work Choice programme, the DEA's referral will indicate it is a Retention case. If urgent, the DEA will advise you of the customer's situation by phone and you must arrange an initial referral interview as soon as the situation requires (as advised by the DEA), subject to a place being available in your provision at that time. The Retention referral will be handled by the DEA in the Jobcentre Plus office nearest to the employer's premises rather than where the employee lives.
- 8.7. Intervention in a Retention case can be a matter of urgency; you must ensure you give priority to these cases. DWP Performance Managers (in consultation with the Commercial Specialist Team) will take a balanced view of the need to meet other contractual commitments. In Retention cases the referral interview can be held at the customer's place of work if appropriate.
- 8.8. As the potential participant is already in employment an initial interview in which the customer agrees to participate in Work Choice will be viewed as admittance to Module One. If the customer agrees to participate in Work Choice you must instigate your participant's Development Plan. Once you, your participant and (where appropriate) their employer agree a course of action and sign a Development Plan, you must promptly transfer them to Module Two or Three as a supported participant.
- 8.9. How you resolve the case will determine the payment outcome. [Please refer to Section 16](#) for instructions, and under what circumstances retention is paid.
- 8.10. Should an SRO, an employer (or self employed person) approach you direct with a Retention case you must signpost them to the DEA. The DEA will ensure that the employee is eligible and that no alternative course of action or programme is more suitable than Work Choice.

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