

Chapter 2: Delivering DWP Provision

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Introduction

1. This chapter gives you general information on delivering provision for DWP. Further information relating to specific programmes can be found in programme specific guidance.

Business Continuity

2. All key business processes must have a Business Continuity Strategy Plans and facilities must be put in place and maintained to ensure the DWP Information Systems and Services can recover and continue should a serious incident occur. A copy of the plan must be passed to your relevant DWP Account Manager.

Quality

3. It is important all organisations responsible for the delivery of DWP Contracted Employment Provision are committed to raising standards. The primary responsibility for improving the quality of provision rests with you, and you will be expected to build and maintain a culture of continuous improvement.
4. The key elements of the DWP approach to quality improvement are:
 - [Generic Guidance Chapter 7 - Continuous Self-Assessment](#)
 - [Generic Guidance Chapter 7 - Planning for Improvement](#)

This provides the basis of our approach to maintaining and improving quality in DWP Contracted Employment Provision.

Induction

5. You are responsible for ensuring all participants are treated within the requirements of legislation outlined in your contracts. You should ensure the participant is clear about the aims of your provision, the specific aims of the programme of activity that has been developed and the benefits of their participation.
6. In the majority of cases, there is no longer a requirement for you to seek the individual's written and informed consent, which has historically allowed DWP to contact employer(s) direct. This is now covered by a "designation order" which came into effect on 17th July 2013. Full details can be seen in [Generic Guidance Chapter 5](#) at paragraphs 17 to 21

7. DWP now has a designation order in place that allows the Department to contact the customer's employer directly to validate employment details.
8. You will be informed if the participant has an appointee. You must include the appointee at any stage where the participant's entitlement or award may be affected. You may consider it beneficial to allow the appointee to attend with the participant for the first few days if you feel this would help them.
9. Any individual arrangements should be discussed with the participant on a one to one basis e.g. requirements for specialist support such as communicator support for those with a hearing impairment.
10. In England where ESF funding is used, you must remind participants of EU and ESF support throughout their time on provision and have evidence to support this audit requirement. You can use a DWP produced leaflet (DWPF06) which explains ESF. Further information on ESF funding and how to order the leaflet can be found in [Generic Guidance Chapter 11 – ESF Requirements](#)

Training Plans/Action Plans

11. Participants on your provision may require a Training Plan and/or Action Plan. For more information, please refer to your programme specific guidance.

Learning

12. Most DWP provision will engage participants in learning related activities, whether for the acquisition of vocational skills, developing positive attitudes to employment or improving basic skills. Learning activities, like other aspects of provision, must be tailored to meet individual needs. For more information on this subject area please refer to your programme specific guidance.

Job Search

13. Job Search can be an essential feature of provision. For more information on Job Search please refer to your programme specific guidance.
14. A claimant is not expected to search for or take up paid work in any location which would normally take the claimant more than 90 minutes to travel to or from, from their home and any work search or work activity requirements must be limited accordingly.

Funding and Payment

15. DWP fund external organisations to deliver programmes that are designed to assist unemployed people gain and remain in employment.
16. These programmes utilise a variety of funding models, each of which comprises of one or more of the following elements:
 - A **Service Fee** or **Delivery Fee** paid each month for all or part of the contract period;
 - A **Start Payment** or **Attachment Fee** paid in respect of each participant engaging with you;
 - A **Job Outcome Fee** paid in respect of each participant who gains a job which meets the Job Outcome definition for your programme. The Job Outcome definition may stipulate the minimum number of hours per week worked, or the number of weeks the job has lasted or is expected to last, or the job start date being within a particular period of weeks (a “tracking period”);
 - One or more **Job Retention Fees** or **Sustainment Payments** paid in respect of each participant remaining in a qualifying job for a period or periods defined by the programme for the participant group; and/or
 - **Incentive Payments** may be paid based on your performance.
17. The funding model used for each programme will be described in your programme specific guidance.
18. The actual amounts to be paid for each element of the funding model will be set out in your contract.

Market Share Shift

19. Where there is more than one supplier in a particular area, each supplier will receive a share of the business by moving the percentage of referrals from poorer performing to stronger performing providers. Failure to obtain Merlin Accreditation may lead to the loss of your eligibility to benefit from market share shift.
20. More information on market share shift can be found in your programme specific areas of guidance.

Health and Safety

21. All participants involved in any way with DWP Provision are entitled to train and work in a healthy and safe environment with due regard to their welfare. Under Health and Safety Law they are regarded as your employees, whether they are paid by you or not. You must, therefore, comply with your Duty of Care under the [Health and Safety at Work Act 1974](#) and the Act's associated regulations in the same way as you would do for any other member of your workforce. You must ensure that participants receive health and safety induction, training and supervision which are appropriate to the provision being delivered, and that systems are in place for checking this, both within your own organisation and at any sub-contractors. You must complete risk assessments, instruct, inform and train participants on the control measures identified. There are specific risk assessments for young people, pregnant workers, Lone Workers and employees who are engaged in Manual Handling activities. This list is not exhaustive.
22. DWP and Jobcentre Plus staff may therefore visit you and sub-contractors for a variety of reasons. When doing so they will, in the course of their duties, adopt an 'awareness' approach to health and safety. In doing this they will not be conducting a health and safety inspection, nor will they be in a position to offer advice on whether something is safe or not. Instead they will approach this from the position of any layperson. If, however, they do spot something on which they require assurance or clarification they will raise this with you or your sub-contractor's representative at the location they are visiting. If it is subsequently decided that the issue raised is one that requires follow up, this will be arranged with you through your local Jobcentre Plus contact.

Unacceptable Behaviour

23. Participants on DWP provision have a responsibility to behave in an appropriate manner just as they would if they were in employment. You must explain what constitutes appropriate behaviour as part of the induction. Where cases of misconduct or unacceptable behaviour by participants arise, you must immediately deal with it in the most appropriate manner. Where the inappropriate behaviour is of a minor nature, such as an initial refusal to co-operate, you should aim to handle the issue internally in the first instance.
24. If an incident is more serious or there is a pattern of unacceptable behaviour, for example, damage to property or continued refusal to co-operate with reasonable requests, you should notify the Jobcentre Plus adviser or other nominated contact point.

25. You cannot select the participants with whom you work. You will experience a wide range of behaviour which may include individuals who exhibit difficult, aggressive, or sometimes violent behaviour.

Exclusion from Provider Premises

26. You are required to notify Jobcentre Plus of all incidents of unacceptable behaviour that involve participants. Department for Work and Pensions considers the following are examples of unacceptable behaviour (this is not exhaustive):
- violence;
 - verbal abuse;
 - verbal abuse of a sexual or racist nature;
 - threats, which are implied or otherwise;
 - intimidation;
 - sexual innuendo;
 - harassment;
 - unwelcome attention;
 - attempted or actual assaults; and/or
 - inappropriate use of the internet or provider's IT system.
27. When notifying Jobcentre Plus of an Incident you should complete the [Clerical Incident Report form](#). You should also arrange for a manager to complete the managers section of the form, plus a form [IF3](#) completed by each witness to the incident. Forward these forms to your named contact at the Jobcentre immediately, preferably by secure email. A Jobcentre Plus nominated manager will take appropriate action in consultation with you.
28. Only in extreme circumstances should you request a participant be excluded from your site(s). Before any such request you are required to attempt to manage the participant within your business, moving them to alternative provision/ sites where available and necessary. As a last resort you may request that a participant is excluded from your site(s). **Please note that this is not exclusion from the programme, only from your site(s).**
29. If a participant's behaviour is consistently unacceptable and other methods of engaging or issuing verbal or written warnings prove ineffectual, you may wish to request the participant is excluded from your premises. The situation must be one of genuine risk to staff and not just because the

participant is difficult, and you would have to supply evidence about why exclusion is appropriate.

30. If exclusion is sought, a request should be made via your Performance Manager, who will forward the details to Jobcentre Plus to make a decision based on the individual circumstances.
31. Participants will not be excluded on the basis of potentially violent or inappropriate behaviour (e.g. racial or sexual verbal assault, foul language or the issuing of threats, or in the event that the participant refuses to engage). However, you must show a duty of care to participants and staff and in certain circumstances the only immediate option may be to temporarily remove the participant from the situation.
32. In some circumstances participants who have an incident marker recorded against them may be considered as posing a risk to the health and safety of staff. These participants will be subjected to certain control measures to ensure staff safety. Further information on the participant's incident marker can be requested by contacting Jobcentre Plus.
33. Examples of behaviours that would result in control measures being implemented would be where a participant:
 - has committed an actual physical assault on a member of staff or another participant, regardless of injury;
 - has committed an actual physical assault on a member of staff's family, if it can be demonstrated that it is directly connected to that person's work in the Department;
 - has attempted to commit a physical assault on a member of staff or another participant;
 - stalked a member of staff or another participant (which is defined as "the wilful, malicious and repeated following and harassing of another person");
 - suffers from a severe mental illness, and a qualified medical practitioner or social worker states that they are likely to pose a danger to staff;
 - has made a threat of violence either face to face, over the phone, or in writing; and/or
 - has displayed threatening or aggressive behaviour.
34. Where incidents such as this occur or where control measures have been introduced by Jobcentre Plus then you may decide how best you can handle the participant, suggested controls include:

- holding interviews in public areas;
- having a colleague present at interviews; and
- informing senior staff/ managers of interview details.

Fast Track Incidents

35. While all incidents of Unacceptable Participant Behaviour are serious, some may have to be afforded a particular importance and dealt with as a priority because of their nature and circumstances
36. Therefore, in addition to completing a report, you are expected to telephone your Jobcentre Plus contact urgently if an incident occurs that can be defined as:

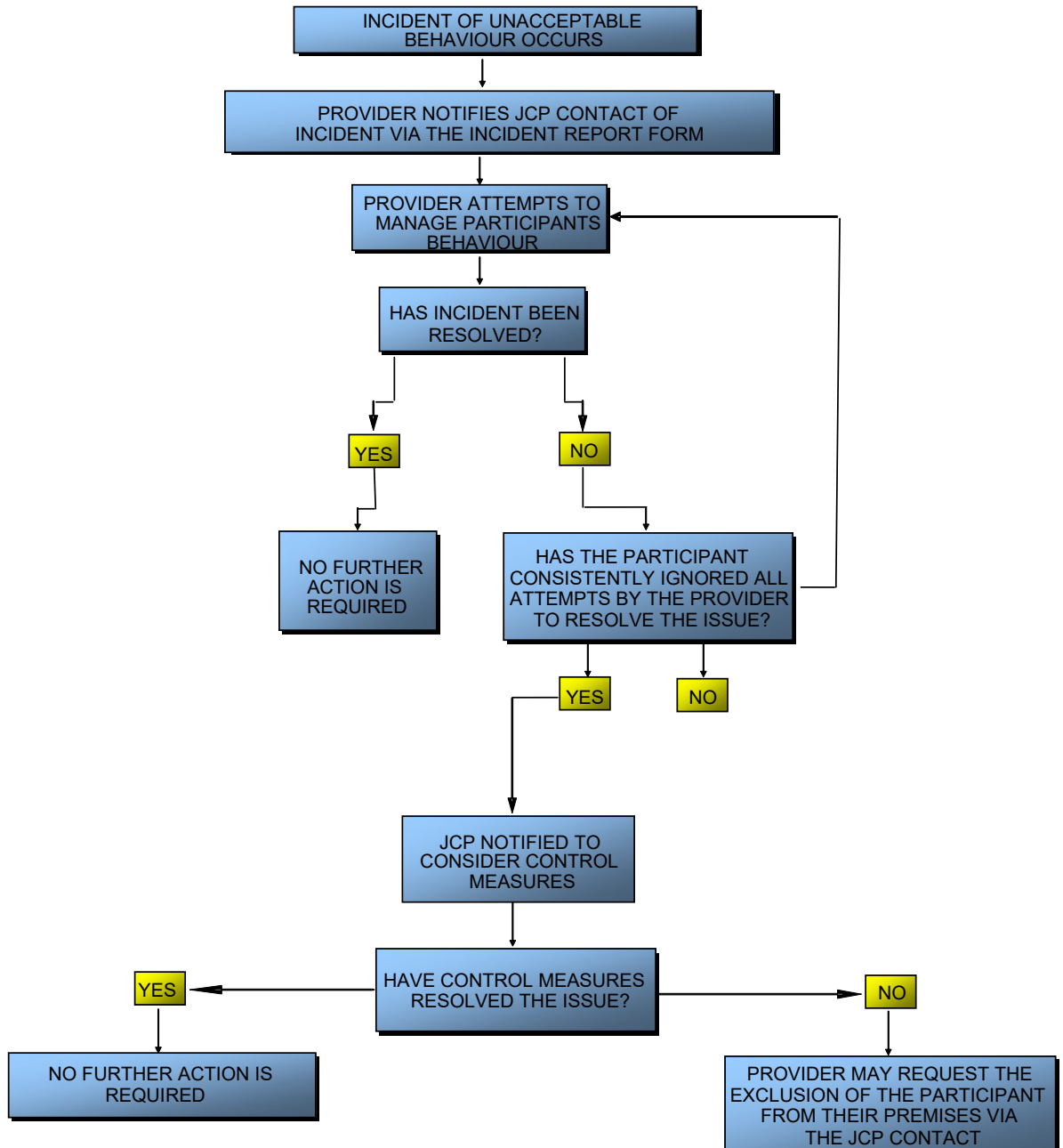
“A serious incident occurs, which compromises the health and safety of DWP staff or the staff of our Partners and/or our ability to safely use our premises. The serious nature or sensitivity of the incident warrants an immediate notification to senior management, prior to further investigation”

The following is not an exhaustive list; sometimes an incident may not neatly fit within the criteria below:-

- actual assault (intentional physical contact) has occurred – which is directed at DWP or Partner employees (including CCOs) in connection with their duties.
- weapon, or other item presenting a similar level of threat, has been used to harm, attempt to harm or intimidate.
- is significant disruption to normal business.
- is a significant cost implication (i.e. estimated at over £2,000) for the business/DWP/ Partners, e.g. damage to property.
- has been a viable targeted or personalised threat (and police advice has been sought)
- suicide, attempted suicide or self-harm incident, understood to be directly connected to DWP business.

Incidents occurring on provider / partner / co-located premises / claimant homes may also be Fast Track incidents and reported using the FT1 form. If you are unclear as to whether an incident should be considered a Fast Track, you should contact your local Jobcentre for further advice and support.

Incident Referral Process Map



Accidents/Incidents

Arrangements for Managing and Reporting Accidents

37. In reporting and managing accidents, which involve a Jobcentre Plus participant, you and your sub-contractors may wish to consider using similar or the same procedures as you use for existing employees. However, these procedures should include ensuring that:
- immediate action is taken to ensure the safety of participants and prevent reoccurrence;
 - all accidents, including minor incidents, are recorded in your accident book;
 - all accidents covered by the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 ([RIDDOR](#)) are reported to the appropriate enforcing authority;
 - an investigation is carried out to assess whether any changes should be made to the workplace or procedures following the accident/incident.
 - Risk Assessment Control Measures are reviewed and, if necessary, revised to ensure their effectiveness and that they remain suitable and sufficient.

In doing this you will wish to take into account the full range of factors relating to the incident including, for example, whether:

- the participant had received appropriate Health and Safety awareness and instruction and that they understood the implications;
 - the activities undertaken by the participant at the time of the accident were required as part of the provision;
 - supervision was adequate;
 - appropriate clothing and equipment was being used; or
 - the work environment was organised in a safe manner.
38. DWP no longer requires providers to complete forms PARF1 and PARF2. Should participants need to make a claim to an industrial injuries benefit they are asked to either contact their local Jobcentre or the relevant benefit centre detailed here <https://www.gov.uk/industrial-injuries->



[disablement-benefit/further-information](#) where if appropriate, claim forms for accident or prescribed diseases (usually BI100A or BI100PD) can be issued.:

Analogous Industrial Injuries Scheme (AIIS)

39. From 31st October 2013 AIIS will be abolished as a benefit. Claimants in receipt of AIIS payments will be transferred to the main Industrial Injuries Scheme and receive benefits at the corresponding rates of Industrial Injuries Disablement

Diversity and Equality

40. [The Equality Act 2010](#) replaces all previous legislation covering discrimination. You must ensure that you comply with the Equality Act 2010 and also the Welsh Language act 1993.
41. As you will be aware, your approach to diversity and equality is an important factor in the delivery of a DWP contract. You should refer to the Diversity and Equality Schedule in the contract documentation you have and raise any queries and issues with your performance manager.

Permitted Work

42. Participants may be able to do some limited work while claiming Incapacity Benefit (IB) Severe Disablement Allowance (SDA) and Employment Support Allowance (ESA). This is called 'Permitted Work'
43. The Permitted Work rules strike a delicate but important balance between, on the one hand, encouraging customers to build their confidence, undertake some part-time paid work and plan a gradual move to sustained employment, while continuing to receive benefit. It can help provide the incentive for them to move off benefit entirely and into full-time work, in line with the Government's overall approach.
44. Please see [Permitted Work](#) for further information or contact your local JCP office for advice and guidance.

Short Term Absence from Mandatory Provision

45. In all cases, provider guidance must make clear that a decision on good reason is for the Secretary of State to make and not at the discretion of the provider and if there is any doubt at all in any individual case or consideration of further information or further evidence is required a Decision Making and Appeal (DMA) referral should be made.

Allowable short term absences

46. Allowable short term absences are to be detailed in provider guidance so that it is clear that DMA referrals would not be applicable in circumstances such as:

- Life boat crew duties
- Reserved forces training
- Open University residential course
- Part time Fire-persons
- Jury Service

(This list is not exhaustive)

The provider will need written evidence from the claimant to justify their absence, and should notify Jobcentre Plus (JCP) of the absence so that the claimant record can be updated with the details.

Medical appointments/Job interviews

47. A claimant will need some flexibility to attend occasional medical appointments (doctor, dentist, hospital etc.) and job interviews that cannot be arranged at a time outside the hours of the placement. Provider guidance will be amended to make it clear that, provided the claimant has written evidence of their appointment, and notifies the provider in advance of the absence, a DMA referral would not be appropriate. A first appointment may be accepted without written evidence, but if frequent or recurrent appointments could not be verified by evidence, a DMA referral would be appropriate. In any case where the provider considers the requests are frequent and unreasonable the case should be referred for DMA action and for a Decision Maker (DM) to consider.

Sickness absence/domestic emergency/domestic violence

48. Jobseekers Allowance regulations allow claimants to be treated as actively seeking employment in the following circumstances:

- two periods treated as available for short term sickness (2 weeks each) during a 12 month period
- four periods treated as available for domestic emergencies (up to one week each)

- one period treated as available where they have been a victim of domestic violence (up to 13 weeks).

In these circumstances the provider will be instructed to contact JCP who will check the claimant record to ascertain previous periods allowed in the 12 month period, and advise whether the period of absence is allowable or should be referred to DMA. If the claimant could be treated as available/actively seeking employment (ASE) then the assumption is that they can be treated as having participated in the provision and a referral would not be required. JCP will need to note the claimant record with the reason for and period of absence. However, in every case where the provider has any doubt whether an absence can be accepted or not a DMA referral should be made for the DM to make a decision. It is not the responsibility of the provider to seek reasons or further evidence from the claimant and in those cases should raise a referral.

Holidays

49. Job Seekers Allowance (JSA) regulations allow claimants to be treated as actively seeking employment when away from home on holiday (within GB), but they must be willing and available to return immediately to take up employment. This does not apply to claimants on Mandatory Work Activity, as the placement is only for four weeks holiday periods are not permitted. For longer mandatory placements, if the claimant notified the provider in advance that they would be absent on holiday, this will be acceptable as long as JCP accept they are Available/ASE, and a DMA referral would not be required. It is proposed that a cumulative period of 2 weeks holiday during a 26 week placement is reasonable, but anything over that would need to be referred to DMA for a decision. Provider and adviser guidance will be amended to cover this. However, if the provider has any doubt in any individual circumstance then a DMA referral should be made for the DM to make a decision.

Casual lateness, unexplained absence, other failure to participate

50. A claimant will be given clear instructions about what 'participation' means as part of their induction, including the start and finish times of provision, timing of breaks and what is expected in terms of behaviour. Any failure to meet those expectations (other than for the reasons set out in previous paragraphs) comprises a 'failure to participate' and should be referred to DMA.

Misconduct

51. Gross misconduct is detailed in DMG Memo 28/12. MWA provider guidance stipulates that the provider must discuss with a Jobcentre Plus adviser prior to dismissal for gross misconduct, and referral to DMA, and it is suggested that this should apply across all mandatory provision.

Childcare and Caring Responsibility

52. Parent and Carer participants attending provision may be able to get help with the costs of childcare and replacement care.
53. Funding for childcare can only be paid to a childcare provider who is registered or approved under the voluntary part of the General Childcare Register (GCR) or exempt from registration. Any contract for childcare must be between the parent and the childcare provider. All payments need to be paid within Jobcentre Plus agreed daily and weekly limits directly into their bank account or by cheque. These costs are in line with Working Tax Credit payments.
54. Payments can be made for a child dependent of the parent up to but not including the first Tuesday in September following the Childs 15th birthday or the first Tuesday in September following the Childs 16th birthday if the child is in receipt of Disability Living Allowance or registered blind.
55. Funding for replacement care costs may be paid to a carer. The carer must be aged 18 or over; not working or working less than 16 hours a week and spend a significant proportion of their lives providing unpaid support to relatives, partners or friends who are ill, frail, disabled or have mental health or substance misuse problems. For the purpose of eligibility for the payments of replacement care costs 'significant' is defined as any caring responsibilities that are a barrier to work and will impact on the type of paid work a carer can undertake.
56. There is no national registration process for replacement care providers. However providers who provide personal care in the home must be registered by the [Care Quality Commission \(England\)](#), or the [Social Care and Social Work Improvement Scotland \(SCSWIS\)](#), the [Care and Social Services Inspectorate, Wales](#). Jobcentre Plus pays replacement care costs on behalf of the carer. Any contract for care must be between the carer (or person cared for) and the replacement care provider and must not involve Jobcentre Plus.

Opportunities Involving Work with Children or Other Vulnerable Members of Society

57. On occasion, as part of your provision, you might organise opportunities where participants would come into contact with children or other

vulnerable groups. Jobcentre Plus staff will take reasonable steps to ensure participants' suitability before they refer them to you. However, it is your responsibility to ensure that participants are suitable for such opportunities.

58. 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 (CRB) and the Scottish Criminal Records Office (SCRO) took over the role from local police authorities for checking criminal record information for employment and volunteering purposes. 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 can be found on the **CRB website** and for carrying out any criminal record checks that are required.

Safeguarding Vulnerable Groups

59. Providers must comply with legislation in The Safeguarding Vulnerable Groups Act 2006 (Disclosure and Barring Service for England and Wales), The Safeguarding Vulnerable Groups Order (Northern Ireland) 2007 and Protecting Vulnerable Groups Act 2007 (PVG Scotland).
60. You must also comply with the legislation in the Multi Agency Public Protection Arrangements (MAPPA) England and Wales and MAPPA Scotland.
61. For more information and guidance with regard to these schemes and legislation please see the links below.

[Disclosure and Barring Service](#)

[Protecting Vulnerable Groups](#)

[The Safeguarding Vulnerable Groups \(Northern Ireland\) Order 2007](#)

Special Customer Records (SCR)

62. Certain participants are allocated Special Customer Records (SCR) status. This is determined by HMRC Special Section D (SSD) in Newcastle for cases where unrestricted access to participant's data poses a demonstrable risk to the individual's safety.
63. These participants **must not** have their details held on any electronic systems.

64. All referrals for SCR customers will be made clerically by Jobcentre Plus using the form SL2.
65. During the time participants who have had this status allocated to them are with you on your provision you are required to maintain their records clerically.
66. Access to a Special Customer Record must be restricted to a set period of time and on an event-by-event basis.
67. The period of time allowed should be sufficient for the effective conduct of business and, in every case, no longer than four hours. If this period of time is inadequate, management authorisation will be necessary.
68. To prevent unauthorised access to documents relating to Special Customer Records, clerical papers must be physically protected to a level commensurate with the identified risks.
69. All clerical records must be stored securely in robust lockable wooden or steel furniture.
70. You are expected to replicate the Jobcentre Plus policy. A member of staff at management level must be nominated at each of your offices to be responsible for the safekeeping of all sensitive participant records.
71. Your nominated officer will be responsible for ensuring that the access to clerical papers is strictly controlled and only granted to a user on those occasions where it can be established that a legitimate business need exists. Ideally there should be a control sheet for these cases, showing date, name of staff member and reason for record access.
72. Your nominated officer should make themselves known to Jobcentre Plus. All Special Customer Record participant information shared between yourselves, Jobcentre Plus and/or the Benefit Centre (BC) should be between your nominated officer and the Jobcentre Plus/ BC equivalent.
73. All clerical documents carrying personal information should be retained securely in line with the Data Protection Act Principles.

http://ico.org.uk/for_organisations/data_protection/the_guide/the_principles
74. For more information on how to process sensitive participant records refer to your programme specific guidance.
75. See [Generic Guidance Chapter 5](#) - Special Customer Records for information on how to claim a Job outcome.

Document Retention

76. All clerical documents carrying personal information should be retained securely in line with the Data Protection Act Principles. The SL2 and any other clerical documents held securely for the claimant must be destroyed immediately after the participant ends provision with you. These must be destroyed in the same way as any other sensitive information (i.e. shredded). Where you have a job outcome claim for a customer who is granted Special Customer Records status you are required to submit the claim on the relevant form(s) which can be found in Annex 2 of the Work and Health Programme.
77. Once validated, the supporting information job and sustainment claims as detailed in programme specific guidance should be retained for ESF audit purpose until 31 December 2027.

Multi-Agency Public Protection Arrangements (MAPPA)

78. MAPPA are the statutory arrangements for managing sexual and violent offenders. MAPPA is not a statutory body in itself but is a mechanism through which agencies can better discharge their statutory responsibilities and protect the public in a co-ordinated manner. Agencies at all times retain their full statutory responsibilities and obligations.
79. In England and Wales, the Responsible Authority (RA) consists of the Police, Prison Service and Probation Service.
80. In Scotland the RA consists of the Local Authority (social work services in practice), the Chief Constable for the Local Authorities area, Health Boards (and special Health Boards - Health Boards and Special Health Boards roles are limited to certain restricted patients who are subject to particular kinds of orders under the 1995 Act) for that area and Scottish Ministers (the Scottish Prison Service in practice). National Health Service health boards/special health boards are nominated as responsible authorities due to the inclusion of restricted patients within MAPPA in Scotland.
81. The RAs are charged with the duty and responsibility to ensure that Multi-Agency Public Protection Arrangements (MAPPA) are established in their area and for overseeing the assessment and management of the risks of all identified MAPPA offenders.

Employment and training restrictions

82. Once the risk assessment has been completed, the RA will notify the nominated officer within Jobcentre Plus on form MAPP A J/referral form of the restrictions placed upon the claimant.
83. Offenders who are released into the community and MAPP A managed may have time limited restrictions placed upon them by a variety of legal requirements which may affect the type of employment and training accessible to them.

These restrictions could include specific license conditions or civil order prohibitions or obligations (in Scotland) such as:

- Exclusion zones and non contact license conditions
 - Sexual Offences Prevention Orders (SOPO's)
 - Restrictions of Liberty Order (ROLO)
 - Disqualification Orders; or
 - Being subject to the Vetting and Barring scheme
84. Whilst the reasons for the restrictions will be given, neither Jobcentre Plus, nor yourselves will be told about the offence/reason for a participant having been given MAPP A status, you will only be told of any restrictions placed on the participant by the RA; **these restrictions must be strictly adhered to.**
85. Jobcentre Plus will be given additional information about the claimant if it is considered that they pose a serious risk of harm to their staff, these details will be shared with your nominated officer.
86. When the Jobcentre Plus nominated officer receives a MAPP A J /referral form from the relevant RA, they will contact your nominated officer to provide the participants contact details where applicable and discuss any risks or restrictions that should be in place for each MAPP A referral. They will also discuss the obligations placed on you regarding these cases and how the information should be treated.
87. Jobcentre Plus will notify you of any restrictions you need to be aware of and where appropriate they may share the MAPP A J / referral forms with you, these will be sent via secure post.

Participant Records

Electronic records

88. Electronic referrals will be made in the usual way via PRaP, you may receive this referral with or without contact details. On receipt of the referral you should deal with in the same way you would any other referral on your programme.
89. You may create an electronic record for the participant, however it must only contain the information you receive from PRaP and any other information pertaining to the daily running of the record, such as activities, job submissions etc.
90. The record must be marked up in such a way that identifies it as a MAPPA record and that further information may be obtained from your nominated officer.

Clerical records

91. The original MAPPA J referral document and any other clerical documents relevant to the participant must be kept securely in locked metal or wooden furniture. Access to the document must be strictly controlled by the nominated officer.

Changes in Circumstances

92. If a participant reports a change in their circumstances to you, you should take action as specified in your programme specific guidance.
93. Any changes relevant to the claimants' circumstance or changes to their restrictions will be notified to you by Jobcentre Plus via an updated MAPPA J.
94. It may take extra time for Jobcentre Plus to action these changes (compared to normal cases) as they have to consult the RA before being able to process the changes themselves.
95. Participants are unable to start work until they have been given permission from their RA to do so.

Document retention

96. All clerical documents carrying personal information should be retained securely in line with Data Protection Legislation. The MAPPA J and any

other clerical documents relating to this, held securely for the claimant, must be destroyed immediately after the participant ends provision with you. These must be destroyed in the same way as any other sensitive information (i.e. shredded).

97. There is no requirement to retain these clerical documents for ESF audit purposes as the electronic record on PRaP will provide the audit trail.

MAPPA cases given SCR status

98. There may be small numbers of MAPPA participants who request to be given Special Customer Record status. Jobcentre Plus will notify your nominated officer if this is to be the case.
99. MAPPA cases with Special Customer Records status will be referred on form SL2 as in the normal clerical referral process for Special Customer Records and should be treated as such throughout the time that the participant is with you. See para 66 Special Customer Records in this chapter for further information.

Sharing Information with third parties (other providers/sub-contractors)

100. All information held by yourselves must be held in accordance with the Data Protection Act 1998 (DPA). There are other conditions as well, such as personal information which is deemed under the DPA to be sensitive personal information (such as the commission of an offence or the sentences of any court for criminal proceedings) which must be afforded extra protection.
101. MAPPA customers fall into the category of sensitive personal information and we need to ensure that both DWP and our providers/partnership organisations hold their information securely.
102. Information regarding MAPPA participants should only be shared when necessary and proportionate.
103. If there is a need to share information, such as on change of address or referral to a sub-contractor this should be done between Nominated Officers only and must be proportionate and relevant.
104. Additionally, there will be circumstances when it is imperative that this information is shared further, so that you do not put the customer into inappropriate work experience, interviews etc. There are also health and safety considerations that may need to be applied to ensure the safety of your staff depending on the circumstances surrounding each customer. Again, the sharing of this information must be proportionate and relevant.

Ensuring Participants are not exploited by Employers

105. When delivering Jobcentre Plus provision you are responsible for ensuring that participants are not exploited. This is particularly relevant where participants are placed with employers for the purposes of training and/or work experience.
106. Before arranging work experience or other periods of attachment to an employer you must be sure there is a genuine reason why the employer wants to offer participants the opportunity to work with them. The placement must also be genuinely additional e.g. the participant must not fulfil a role which would otherwise be advertised as vacant. If the participant has MAPPAs restrictions these must be considered when making these arrangements. Once the participant is participating in the activity you are responsible for monitoring their progress and in doing so you will have the opportunity to assure yourself that they are not being exploited.
107. Any activity that you arrange for a participant to undertake with an employer must not contravene the National Minimum Wage Act. More information about the National Minimum Wage can be found via the link below:
[The National Minimum Wage - GOV.UK](#)
108. In the event that a position becomes vacant and you find that a participant you would have expected to be offered work is rejected, you should look carefully at the feedback received from the employer. If the employer gives you specific evidence of their unsuitability, there is no problem about continuing to offer work experience. If the feedback is vague and evasive, you should consider whether future offers of work experience are agreed with that employer. You must have systems in place to identify any patterns in the employer's handling of work experience.
109. Ultimately, any decision made about withdrawing work experience from the employer and participant will probably depend upon the quality of the feedback you get from the employer and the knowledge you have of the capability of the participant.

Unsuitable Types of Activity

110. Participants must not be helped to engage in activities, including starting businesses which could put them at risk or bring Jobcentre Plus or you as a Provider into disrepute. It would be difficult to produce an exhaustive list of unsuitable activities and some common sense is required on your part. However, participants subjected to MAPPAs restrictions must not be helped into activities that breach these.

111. You will also need to take into account a participant's personal beliefs where, for example, you bring to their attention particular job or training opportunities. For example, some individuals may have personal beliefs about working within certain types of industry, for example with food, and you should be sensitive to these.

Self-Employment

112. You may wish to offer support to participants in planning and running their own business. If you do so, you **must** ensure that this will not affect a participant's entitlement to benefits. Checks should be made with both Jobcentre Plus and HM Revenue and Customs before commencing any self-employment activity.

Management, Administration and Premises

Administration

113. You are responsible for the day-to-day administration of the provision. You must have systems in place, which will ensure all administrative work, including that of any sub-contractors you use, is completed to a high standard within the time limits imposed by DWP. This will include:

- ensuring that all staff who have access to the Provider Referrals and Payments System (PRaP) have read, understood and are following the guidance on accessing and executing processes in the PRaP system;
- completing all the necessary actions via appropriate DWP systems accurately within the timescales required for your provision;
- providing regular management and performance information to DWP where appropriate;
- keeping track of participants and letting the Jobcentre Plus office know of their movement into, through and out of provision and into employment or other activities;
- letting a nominated Jobcentre Plus contact know of participants' 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 including for ESF audits as detailed in [Generic Guidance Chapter 11- ESF Requirements](#);
- having in place and operating systems to handle financial administration promptly and accurately, including keeping appropriate records and documentation;

- facilitating access by DWP monitoring staff, auditors, evaluators and others at DWP request; or
- prompt reporting to the Jobcentre Plus office of all relevant accidents involving Jobcentre Plus participants 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.
- All documents relating to a MAPPA participant's restrictions must be filed securely and access to them controlled by the nominated officer.

Premises

114. Where applicable, we expect your provision to be delivered from premises that are of a high standard and that offer a professional, business like environment. They should be appropriate to the expected through flow of participants and method of delivery.
115. You will also need to provide areas where participants can work without distraction and areas that afford the privacy needed for one to one discussion given that, on occasion, you will be dealing with issues of a sensitive and/or confidential nature.

Sub-Contractors

116. Our contract is with **you** and it is therefore **your** responsibility to ensure that any sub-contractors you employ work to the same standards specified by DWP. You are responsible for ensuring they understand the objectives of the provision and their part in the delivery of those objectives, including meeting the needs of the labour market in your area, so that there is no compromise to the levels of quality and performance expected of you. You will need to demonstrate effective contract management and close support of sub-contractors, and ensure that they have appropriate administrative systems in place including adhering to ESF requirements. You will need to have in place suitable arrangements for checking that health and safety requirements are met by any sub-contractors. You must also bring the Programme Specific Provider Guidance to the attention of all sub-contractors. In line with the terms of your contract with DWP, you will need to ensure that DWP has right of access to your sub-contractors.

The Merlin Standard Mediation Process Map

Identity Checks

117. It is your responsibility to verify with whom you are communicating. To do this, you may decide to ask them to state a combination of their personal information. For more information on what type of information may be required from participants please refer to your programme specific guidance.

Fraud Prevention

118. If you suspect that a participant is committing fraud you should follow the procedures outlined via the National Fraud Hotline below:

<https://www.gov.uk/report-benefit-fraud>

119. DWP places the utmost importance on the need to prevent fraud and irregularity in the delivery of its contracts. All suppliers and sub-contractors will be required to, as a minimum, adhere to the following four principles:

1. Have an established system that enables its Staff to report inappropriate behaviour by colleagues in respect of any claims for payment in relation to any Call-Off Contract.
2. Ensure that the Prime Contractor's (or any Sub-contractor's) performance management systems do not encourage individual staff to make false claims for payment in relation to any Call-Off Contract.
3. Ensure a segregation of duties within the Prime Contractor's (or any Sub-contractor's) operations between those staff directly involved in delivering the Services and those making claims for payment in relation to any Call-Off Contract.
4. Establish an audit system to provide periodic checks, at a minimum six (6) monthly intervals, to ensure effective and accurate recording and reporting of performance of the Services.

120. Suppliers are reminded they shall use its best endeavours to safeguard funding of the contract against fraud generally and in particular, fraud on the part of the Supplier's directors, employees or sub-contractors. The supplier shall pay the utmost regard to safeguarding public funds against misleading claims for payment and shall notify DWP immediately, via the DWP WPD Security inbox, if it has reason to suspect that any serious irregularity or provider/internal fraud has occurred or is occurring.

121. If the Supplier, its staff or its sub-contractors commits fraud in relation to any contract with the Crown, DWP may:
1. Terminate the contract and recover from the Supplier the amount of any loss suffered by DWP resulting from the termination, including the cost reasonably incurred by the DWP of making other arrangements for the supply of the services and any additional expenditure incurred by the DWP throughout the remainder of the Contract Period; or
 2. Recover in full from the Supplier any other loss sustained by the DWP.
122. Suppliers are required to report all incidents of allegations of provider/internal fraud to DWP.
123. The Supplier shall co-ordinate fully with DWP and assist it in the identification of participants who may be unlawfully claiming state benefits. DWP may from time to time brief the Contractor as to the co-operation and assistance it reasonably requires including the provision of information regarding fraud by Participants. On receipt of the information, further evidence may be collected by DWP or other department, office or agency of His Majesty's Government with a view to prosecution.

Travel Expenses

124. Participants attending provision are entitled to a refund of the travel costs they incur. It is your responsibility to pay the participant's travel costs as travel expenses are included within the funding received from DWP as part of the overall contract package.
125. Participants are expected to travel to your provision by the cheapest method available to them. However, some participants will be unable to travel by the cheapest method for example, due to a disability or the need to be accompanied by a support worker.
126. On commencing provision, you should advise participants what evidence they will need to produce to claim refunds of travel costs, for example bus tickets.

Grievance and Complaints Procedure - Treating Participants Fairly

127. There may be occasions when a participant wishes to complain or air grievances. You must have a complaints process which allows participants to do this. In considering the suitability of your complaint resolution procedures it may be helpful to consider **A guide for DWP providers at Annex 2** which offers helpful advice and information based on DWP's own

experience of trying to improve the effectiveness of DWP complaint resolution arrangements.

128. It is your responsibility to resolve any grievances, concerns or complaints internally through your own process. In some circumstances however, it may be necessary to contact Jobcentre Plus or other nominated officer for additional advice.

129. There may be occasions when an elected member of a national or international body would write to you on behalf of the participant e.g.

- Member of Parliament (MP)
- Member of the Scottish Parliament (MSP)
- Member of the National Assembly for Wales (AM)
- Member of the Northern Ireland Assembly (MLA)
- Member of the European Parliament (MEP)

It is accepted that these representatives have the authority to act on behalf of the participant. However, where there is any doubt about responding to the elected member, there is no reason why you cannot ask for confirmation that they are acting on behalf of the participant. If the elected member came to DWP on behalf of the participant with feedback that involved both DWP and yourself, DWP would co-ordinate a joint response by getting a contribution from you.

130. If you or another nominated officer receives any feedback from the participant against Government Agencies or Businesses where they feel they have not treated them fairly or have not dealt with complaints in a satisfactory manner, complainants can approach the [Independent Case Examiner's](#) office.

131. For more information, please refer to your programme specific guidance.

DWP/Jobcentre Plus and Provider Complaints Procedure

132. The procedure for non Work Programme complaints can be found at the following link:

<https://www.gov.uk/government/organisations/department-for-work-pensions/about/complaints-procedure>

Provider receives a request to erase Participant information

133. There may be occasions when you receive a request from a Participant to erase their personal information from your records.



134. Upon receipt of these requests you should consult your own programme's Provider Guidance for the actions that you should undertake.

Changes in Personal Circumstances

135. It is the participant's responsibility to report to Jobcentre Plus any change in personal circumstances. For more information, please refer to your programme specific guidance.



Annex 1: Further Information

The following is a list of publications/websites providing further information that may be of use:

[GOV.UK](#) Provides, together with other information, general information on the work of Jobcentre Plus, including specific guidance for providers and participants

[The National Institute of Adult Continuing Education \(NIACE\)](#) NIACE is an independent, non-governmental organisation for adult learning in England and Wales. It is a registered charity and represents the interests of all adult learners – especially those who have benefited least from education and training. NIACE aims to increase the number of adults engaged in formal and informal learning in England and Wales by improving opportunities and widening access to learning opportunities.

Annex 2: Complaint Resolution: a guide for DWP Providers

Background

1. Resolving customer complaints at the outset can reduce the need for individuals to escalate their complaint in order to achieve an appropriate response and/or outcome.
2. In recent years, DWP has invested a significant amount of effort to improving its complaint resolution processes and procedures. This guide details the key components of effective complaint resolution identified by DWP, which form the basis of our own complaint resolution procedures. They draw upon the Parliamentary Ombudsman's Principles of Good Complaint Handling (<http://www.ombudsman.org.uk/improving-public-service/ombudsmansprinciples>), and the lessons learned from Independent Case Examiner and Parliamentary Ombudsman investigations into DWP complaints.

Purpose of this document

3. This document is intended to help you consider whether your complaint resolution processes and procedures are sufficiently robust, to allow you to resolve complaints promptly, fully and where possible to the satisfaction of the complainant.
4. It is not intended to replace the current programme specific guidance which: clarifies roles and responsibilities; details agreed processes; and details how "joint" (provider and Jobcentre Plus) complaints should be handled. It includes:
 - **Part A:** details of the *suggested* components for inclusion in complaint resolution processes (based on DWP's own experience); and
 - **Part B:** background information about the DWP provider complaint process (which applies to all new or renewed contracts post April 2011 – the only exclusion being the JCP support contract).
5. If you have any queries about the content on this document please contact DWP's Complaints, Redress and Stewardship Team on 0151 221 6525 or e-mail:
COMPLAINTS.REDRESSANDSTEWARDSHIPTEAM@dpw.gov.uk

Part A

Suggested components of an effective complaint resolution processes (based on DWP experience):

1. Incorporating the following components into its complaint resolution processes is helping DWP to:
 - improve the effectiveness of its complaint resolution; and
 - reduce the need for customers to escalate their complaint in order to achieve a satisfactory outcome.

An agreed complaint definition

2. A clear, agreed organisational definition of a complaint can help your staff recognise and appropriately respond to service complaints. The DWP definition is “Any expression of dissatisfaction about the service provided which is not resolved by operational staff as normal business”.

DWP Example 1:

The complaint definition is included in all internal DWP complaints procedures and guidance.

Staff guidance on administering complaints

3. Staff with responsibility for resolving complaints may benefit from having access to clear, simple guidance describing the complaint resolution process, including the point at which the complainant should be told how they can escalate their complaint to ICE.
4. It may be helpful for your staff guidance to emphasise the organisations commitment to resolving complaint in a timely and effective manner and highlight the potential costs of failing to do so, including:
 - loss of confidence on the part of the service user;
 - inconvenience/costs to the service user of having to escalate their complaint;
 - staff time;
 - reputational damage;
 - financial cost (special payment in recognition of service failure and/or ICE fee).

DWP Example 2:

All DWP staff have access to electronic guidance on the process for dealing with customer complaints. This ensures a uniform approach to dealing with complaints, and in the event of an ICE investigation, allows ICE to consider whether standard processes and procedures were adhered to, as part of the complaint investigation process.

An accessible complaint resolution and escalation process

5. There should be no barriers to service users making a complaint – they or their representative should be able to make a complaint in the manner which best suits their communication needs.
6. Information about your complaint process should be widely available and easily understood by staff and service users. It should include details of the complaint process, timescales for responding and details of how to escalate a complaint if the service user is not satisfied with your final response to their complaint.

DWP Example 3:

Information about how to complaint is included in customer information leaflets and on the DWP and Gov.uk websites.

[Complaints and appeals - DWP](#)

A mechanism for recording complaint information

7. Complaints can provide a valuable source of feedback from your service users.
8. Staff should be provided with clear instruction on what complaint information should be collected / recorded. The routine collection and analysis of complaint data, for example in respect of:
 - volumes/categories of complaint;
 - agreed resolution actions; and
 - escalation rates

can provide you with a rich vein of management information which you can use to monitor activity/performance and identify areas for improvement.

DWP Example 4:

All DWP businesses use an agreed set of mandatory high level complaint categories (detailed below), in addition to which they have access to a recommended set of complaint sub-categories.

- a. DWP staff don't treat me with respect (Right treatment)
- b. You haven't given me the information that I need (Easy access)
- c. I can't access your services (Easy access)
- d. You take too long (On time)
- e. You've got it wrong (Right results)
- f. I have to contact a number of agencies to tell them the same thing (easy access)

Focussed complaint resolution activity

9. Complaints have the potential to escalate if the complainant is not satisfied with the action you have taken to resolve their concerns.
10. Complaint processes which incorporate the following activity can help you bring about an effective resolution to the complaint, thereby reducing the likelihood of escalation:
 - on receipt of a complaint, speak to the complainant and establish the root cause of their complaint;
 - ask the complainant what action they think needs to be taken to resolve their concerns – for example: an apology; an explanation; information or corrective action;
 - where possible, agree resolution actions with the complainant, including next steps/timescales;
 - if the outcome desired by the complaint cannot be achieved explain why;
 - retain a written record of all discussions with the complainant.

DWP Example 5:

DWP maintains a catalogue of training aimed at helping front line staff identify and resolve customer complaints in a timely and appropriate manner.

Learning from service user feedback

11. Having in place a mechanism for capturing and analysing what people have to say about your service, can help you understand what you do well and what could be improved.
12. You can demonstrate your openness to receiving feedback about your service and your positive approach to responding to it by:

- routinely inviting comment on the standard of service you provide;
- reporting feedback trends and analysis;
- telling service users how you respond to both positive and negative feedback.

Part B

Background information on the DWP provider complaint process

1. In April 2011, DWP introduced a “new provider complaints process” for all provider contracts let or renewed on or after 1st April 2011. It requires that:
 - you have in place complaint resolution procedures which allow you to deal with customer dissatisfaction about your service;
 - decisions on how to structure or administer your complaint resolution procedures rests with you (as a DWP providers); and
 - in the event that the customer remains unhappy with the response you have provided to their complaint, it is open to them to escalate their concerns to the Independent Case Examiner (ICE).
 - ICE contact details:
Independent Case Examiner’s Office
PO Box 209
BOOTLE
L20 7WA

This address can also be used by Providers when sending evidence to ICE by special delivery, which requires a signature.

Escalation to ICE

2. Escalation of a complaint to ICE, about the service you have provided can result in one of three potential outcomes, as detailed below. At every stage, you will have the opportunity to give your version of events and offer any supporting evidence.

Stage 1: Resolution

3. If a complaint is relatively straightforward, and the customer has reasonable expectations about what you could do to resolve it, ICE will liaise between the parties involved and try to reach an agreement which is satisfactory to all. If a complaint is resolved at this stage, then no determination of fault will be made and no contribution to the cost of the ICE service will apply.

Stage 2: Settlement

4. If the complaint cannot be resolved, ICE will request all the evidence to establish what happened. You MUST provide all the evidence relating to the complaint, which can include: telephone recordings; assessment recordings etc. Armed with this information ICE will be in a better position to consider what needs to be done to put matters right, and what redress might be appropriate. Following review of the evidence, ICE will propose a way forward. If you agree to the proposed actions, and the customer is satisfied that they address their complaint, the case will be closed. Again, no determination of fault will be made and no contribution to the cost of the ICE service will be applied.

Stage 3: Investigation Report

5. If ICE is unable to reach an agreement between you and the customer, which satisfies the customer that their concerns have been addressed, an ICE report will be prepared. The report will set out the ICE findings in respect of each element of the complaint. Where appropriate it will identify areas of maladministration and include recommendations which will focus on what needs to be done to put matters right and provide appropriate redress (including potential financial redress).
6. If a complaint is upheld against you at the investigation stage, £5,000 contribution to costs will be recovered from you, to go towards funding the ICE service for provider complaints in the following year. There will be a periodic review of the fee level between DWP and Providers.
7. You will also be liable to pay any financial redress (specifically consolatory payments and costs) deemed by ICE to be due to the customer. ICE will apply the following DWP policy when considering if any redress is due to the customer: <https://www.gov.uk/government/publications/compensation-for-poor-service-a-guide-for-dwp-staff>
8. Once the ICE investigation has concluded the ICE office will destroy all copies of the evidence that you have provided to ensure that they are meeting the Data Retention guidelines in place within DWP.

How does the ICE make a decision?

9. The ICE Office will conduct its investigations by reviewing all the evidence that you have provided regarding the complaint, and comparing what happened (or was most likely to have happened based on the evidence) with any agreed processes or published standards you have in place. If the ICE judges the treatment received by the customer to be below or not in accordance with the agreed standards the complaint will be upheld. If there

are no agreed standards relevant to the case, ICE will apply a 'reasonableness test' to the circumstances of the case.

Learning from complaints

10. ICE will send you a copy of the final report - this will offer feedback on the complaint that has been considered. Any systemic improvements, for example, the need for clearer wording in a standard letter or leaflet, will be raised with you as soon as a problem is identified. The ICE also produces an annual report which provides information about the number of complaints that they have received and the providers that they have received complaints about. It is also used to detail trends and key findings. Examples of previous year's reports can be found on their [website](#).
11. In the event that the customer remains unhappy, the ICE office will signpost the customer to the Parliamentary and Health Service Ombudsman (PHSO). If PHSO decide to proceed with the complaint, you are required to co-operate with their investigation, and if appropriate, provide evidence relating to the complaint. If PHSO identify any un-remedied maladministration the complaint will be upheld. PHSO will send you a copy of its final report, and provide a copy to DWP. You are required to action all the recommendations. Further information about PHSO can be found here: <https://www.ombudsman.org.uk/>