

Withdrawn

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Work Choice Live Running Memo 57

To: Work Choice Providers

From: Denise Evans

Copy: Jo Salloumis, Head of Work Programme and Disability Programmes Policy

Julie Williams, Disability Employment Provision Policy Team Leader

Chris Whitley, Work Choice Provision Policy Manager

John Tiplady, Head of Specialist Provision Work Programmes Division

Barbara Hume, Work Choice Supplier Manager

Work Choice Senior Performance Managers and Performance Managers

Mark Staley, Commercial Disability Category Lead

David Grimstone, Senior Category Manager Commercial Directorate

Avril Montgomery, Specialist Disability Employment Programmes Team Leader
(Strategy)

Stuart Edwards, Access to Work Strategy Lead

Karen Camplin, Labour Market & Work Services Business Partner

Angela Hargreaves, PPVT Team Leader

Jane McLuckie-Townsend, Provider Assurance Team Leader

Andrew Legg, European Social Fund (ESF) 2014-2020 Delivery & Policy Team
Leader

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Date: 19/10/17

Subject: Protected Places in Work Choice Supported Businesses

Action: For information

Timing: Immediate

Information

Work Choice Provider Guidance Sections 13 and 14 set out the circumstances in which vacant Protected Places in Work Choice Supported Businesses may be filled.

To assist Providers and Supported Business to manage vacant Protected Places during the final contracts extension period, and to look ahead towards the end of the Work Choice programme, we set out below, for your convenience, a synopsis of this guidance.

Action

To note the following:

Participants in the Work Choice programme, including all referrals up until the final referral date, can move into Protected Places utilising Module 2 (or obsolete Module 3 if referred prior to the extension) following Module 1. Participants who joined the programme in Scotland, or prior to the April 2017 extension in England and Wales,

can remain in Module 2 (or obsolete Module 3) until the end of the contract. Participants in England and Wales who joined the programme during the extension period will be subject to the maximum period allowable in Module 2.

Hosted-Out Placements

Participants in longer-term support within a Supported Business can take advantage of a 'hosted-out' arrangement in order to gain work experience in an alternative work environment. These places are normally up to 26 weeks in duration. At the end of the placement, if the participant cannot progress to unsupported employment, they can return to their place in the Supported Business.

You should be clear, 26 weeks is the usual maximum permitted period for a hosted-out arrangement, shorter periods may also be beneficial. There are no "short-term Protected Places" in Work Choice, but Supported Businesses may offer short employment contracts in the same way as any other employer.

Hosted-out places can sometimes be extended beyond 26 weeks if this is appropriate for the participant. Requests to extend the 26 week period should be sent to the Disability Employment Provision Policy Team by e-mail, using the request form to be found in Section 13a of Provider Guidance.

Participants who may have been utilising a hosted-out place without first working in the Supported Business can remain in a Protected Place and move to the Supported Business afterwards, if this is suitable for the participant.

It will be obvious that the maximum duration of any hosted-out placements will necessarily be curtailed as Work Choice contracts draw to a close. The Disability Employment Provision Policy Team will advise you of any revised policy.

Participant Moves Employers Whilst in Module 2 (or obsolete Module 3)

It will occasionally be possible / desirable to facilitate a move to a different employer, whilst remaining continuously supported by the Work Choice programme, if it is in the interests of your participant.

Examples of this might include:

- Existing employer closing, or making participant redundant
- Short-term employment contract due to expire
- Suitable Protected Place arises within a Supported Business
- More suitable job identified elsewhere, participant wishes to move
- Participant receives alternative job offer, wishes to accept it

Work Choice participants may choose to change employers whilst in Module 2 or 3 and this can include a move into or out of a Supported Business. You should endeavour to ensure that any change of employer is managed as quickly and smoothly as possible, in the interests of your participant, but in any case the break in employment should not exceed four weeks.

NB The definition of a Supported Short Job Outcome remains unaltered. This means that if the managed move takes place in the first 13 weeks of supported employment any break in that employment will result in an invalid Short Job Outcome.

Filling Protected Places

Supported Businesses can, of course, recruit employees from other sources, however, DWP Protected Places funding is payable only for customers who have joined the Work Choice programme. To be clear, this means that Work Choice participants can be sourced from any contracted provider delivering Work Choice in that CPA - this includes Remploy Ltd.

Supported Businesses are not obliged to give priority to filling Protected Places if it is not in the interest of their business needs, however you must remind them of the risk to the Protected Place if you and they fail to fill it within the time allowed.

Current policy for unfilled Protected Places remains unchanged at present i.e. Supported Businesses will continue to receive the monthly Protected Place payment for up to thirteen weeks from the date the occupant left whilst a suitable replacement is sought. However, if the business does not intend to fill the place, or ceases the arrangement and offers the places back, payment will cease effective from the date the place is relinquished. The Employment Provision Policy Team should be notified immediately to discuss the situation and consider any reallocation. Supported Businesses who are operating a “managed turnover” system, resulting in a number of allocated places remaining continuously vacant, will be scrutinised for the validity of their payments claims.

If the Prime is responsible for more than one Supported Business they may be able to reallocate unfilled Protected Places among Supported Businesses within their Contract Package Area, provided they have the formal agreement of both the exporting and the importing Supported Business and the Disability Employment Provision Policy Team.

We have been asked about cross CPA support – this is not a practice currently in guidance and Primes should be aware that there are different end-dates (both for Protected Place funding and contract end-dates) for England /Wales and for Scotland which could cause issues.

DWP reserves the right to reduce the twenty-six week period before a Protected Place will be regarded as lost. DWP will notify you of the length of the shorter period and that shorter period will apply to any Protected Place which is unfilled at the time of, or after, DWP gives the notification.

You should be clear, there is no change to Work Choice Provider Guidance at present, this memo highlights existing guidance only.

Further Information / Contact Details

If you have any queries about this Live Running Memo please consult your Performance Manager or contact the Work Choice Policy Team via:

disabilityemploymentprovisionpolicy.enquiries@dwp.gsi.gov.uk