



**ANGELA SMITH MP**

**Penistone and Stocksbridge Constituency**

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21 JAN 2011



19 January 2011

Linda Hanrahan  
Financial Inclusion Co-ordinator  
Barnsley Financial Inclusion Group  
Barnsley CAB  
1 Shambles Street  
Barnsley  
S70 2SQ

Our Ref: SW/HANR01001/01101177

Dear Linda,

I enclose a copy of the response I have received from Department for Work and Pensions.

Please let me know if you like me to follow this letter up.

Please do not hesitate to contact me again about any issue I may be able to help you with.

Yours sincerely,

Angela Smith

Angela Smith MP  
Penistone and Stocksbridge

**WORKING FOR YOU IN PENISTONE AND STOCKSBRIDGE**

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Angela Smith MP

14 January 2011

Thank you for your letter of 17 December 2010 to the Secretary of State on behalf of members of the Barnsley Inclusion Group of the Citizens Advice Bureau regarding Implicit Consent. I am replying as the Minister responsible for this area of the Department's work.

I am sorry that the Barnsley Inclusion Group has been experiencing difficulties in connection with Implicit Consent.

We recognise that this is an area where improvement is needed. Within some parts of the Department for Work and Pensions, there is some evidence of a lack of understanding of Implicit Consent, and we are taking steps to address this. I have also asked that we ensure that there is awareness of the correct procedure in the specific areas mentioned in the feedback you have provided; that is, Barnsley Benefit Delivery Centre and the Disability Living Allowance Adviser Line.

More widely, in Jobcentre Plus, new products to improve Implicit Consent compliance were rolled out nationally before Christmas, for onward delivery by Team Leaders to all staff. Links to the products were included in the December 2010 Jobcentre Plus Security Matters newsletter. There has been good feedback on this, that indicates that staff are starting to get a better understanding of how and when to apply Implicit Consent.

Also, in the Pension, Disability and Carers Service (PDCS), a 'Managers Brief' on Implicit Consent is currently being developed, for delivery at team meetings. This work is in its early stages and will be piloted and evaluated before being rolled out across the whole of PDCS. It is hoped that this will go some way to helping PDCS staff better understand Implicit Consent and alleviating some of the problems highlighted.



However, there are examples where customer representatives have not provided staff with sufficient information to allow them to be confident that they are acting on behalf of our customer. The fact that a caller tells us that a customer has approached them for help is not sufficient for our staff to assume that Implicit Consent exists. They will seek to confirm whether Implicit Consent consists by assessing whether the benefit information and knowledge held by the caller must have been disclosed to them by our customer, and whether the nature of the questions they are asking is consistent with the role of a representative. If they are not satisfied on these points, staff will correctly refuse to divulge information.


We want to ensure that *bona fide* representatives are given the information they need to help their clients, but, if they are genuinely in doubt, our staff should err on the side of caution, which is a reasonable approach, given the potential consequences of wrongly disclosing information.

For your information, the full guidance on Implicit Consent is available on our website at [www.dwp.gov.uk/docs/repsguide.pdf](http://www.dwp.gov.uk/docs/repsguide.pdf)

On your point about Trusted Partnership status, we have worked with the Citizens Advice service to determine whether there could be online access for trusted intermediaries to access customer records through the Government Gateway, and although this has proved not to be possible at this time, we will continue to look for ways in which we can improve access to information for all the organisations that work with, and represent, our customers.

I hope this is helpful to you.

With best wishes,



**Rt Hon Chris Grayling MP**  
**Minister for Employment**