



Department
for Work &
Pensions

DWP Central Freedom of
Information Team
Caxton House
6-12 Tothill Street
London
SW1H 9NA

Charles Ellinson
request-983172-71058c3c@whatdotheyknow.com

[freedom-of-information-
request@dwp.gov.uk](mailto:freedom-of-information-request@dwp.gov.uk)

[DWP Website](#)

Our Ref: FOI2023/44491

4 July 2023

Dear Charles Ellinson,

Thank you for your Freedom of Information (FoI) request received on 9 June. You wrote:

“I am writing regarding your response to my recent FoI request, which has been published here:

https://www.whatdotheyknow.com/request/automatic_reclaims_for_universal

Your reference is FOI2023/39446

You have provided some relevant links to existing information, however, they do not answer the specific queries I had. I apologise if my initial request was not clear enough. Please see below the specific queries I was hoping would be clarified.

1. The auto-reclaim process provided for by Reg. 32A of the Claims and Payments Regs is expressed in a non-mandatory way, and the regulations also allow the Secretary of State to make conditions as to when it is applied. Can you provide any information which clarifies if auto-reclaims are ALWAYS treated as made and whether any conditions have been made by the Secretary of State.

In particular, will the claimant be treated as making a reclaim even where earnings in the new Assessment Period are at a level where there would be no entitlement?

2. A 'regular' claim for UC can be withdrawn before a decision is made on it (see Reg 31 of the above regulations). Will the same be true of a claim treated as made under Re. 32A?”

DWP Response

We confirm that we do hold the information you have requested. A copy of the information is provided.

1. The Department has routinely treated claims as made, to ensure that we check to see if a claimant has become entitled to Universal Credit in the following assessment period following the ending of entitlement because of earnings, without the need for them to any action. This is because without a claim the assessment of entitlement would not take place.

Since May 2020, [SI 2020/ 522](#), has allowed the Secretary of State to treat a claimant as having made a claim for a further 5 assessment periods (reg 32A of the Universal Credit

(Coronavirus) (Self-employed Claimants and Reclaims) (Amendment) Regulations 2020; Claims and Payments Regulations 2013), where the end of the award occurs because the financial condition is not met but the claimant continues to satisfy the other basic conditions of entitlement.

Regulation 32A defines that the Secretary of State, may treat the claimant as making a new claim on the first day of each subsequent month, which gives the Secretary of State the discretion to exercise that power; for example, where there is no entitlement due to excess income in any of the following 5 assessment periods, there is no reason to exercise that power. Where a claimant's income means that entitlement is re-established, Regulation 32A provides a way for the Universal Credit system to quickly re-establish an award of Universal Credit without the claimant having to take any action. Please see link below.

[The Universal Credit \(Coronavirus\) \(Self-employed Claimants and Reclaims\) \(Amendment\) Regulations 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2020/01/13/1352013000000001/engtext/statement/notes/1352013000000001-1)

2. Yes.

If you have any queries about this letter, please contact us quoting the reference number above.

Yours sincerely,

DWP Central Freedom of Information Team
Department for Work and Pensions

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwp.gov.uk or by writing to: DWP Central FoI Team, Caxton House, 6-12 Tothill Street, London, SW1H 9NA.

Any request for an internal review must be received by us within 40 working days of the date of this letter. Please note we are not obliged to provide a review if it is requested after more than 40 working days.

If you are not content with the outcome of the internal review, you may apply directly to the Information Commissioner's Office for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Website: [ICO FOI and EIR complaints](https://ico.org.uk/for-the-public/foi/) or telephone 0303 123 1113