

**Department for Work and Pensions (DWP)  
Central Freedom of Information Team**

[xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxx.xxx.gov.uk](mailto:xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxx.xxx.gov.uk)

**Our reference:** 3109

**Date:** 24 August 2015

Dear Mr Zola,

Thank you for your Freedom of Information (FOI) review request, which we received on 27 July 2015.

You have asked us:

*Please disclose a copy of your Jobcentre staff and Decision Maker guidance that uses the words "as a last resort" with regards benefit sanctions and details of the discretion DWP and Jobcentre staff have when it comes too applying sanctions.*

*The SSAC <https://www.gov.uk/government/organisations/social-security-advisory-committee> are apparently saying that current DWP policy is to "apply a sanction sooner rather than later whenever a failure in compliance has been identified", implying the phrase "as a last resort" has no meaning or affect in reality and there is in effect no actual discretion whatsoever.*

The evidence you are seeking is held in the process itself.

We take into account individual circumstances when setting requirements, e.g. in terms of what activities someone might be expected to undertake to give themselves best prospects of employment. Nobody is expected to undertake something that is unreasonable given their circumstances.

If a claimant refuses or fails to comply with any requirement placed on them, they are given the opportunity to provide their reasons for not complying. Where the claimant demonstrates they had good reason, a sanction is not applied. Sanctions are therefore applied only when it is appropriate to do so.

Where a potential sanction is identified, the details are referred to an independent Decision Maker to consider whether or not the claimant had good reason. When determining whether or not a person had good reason, Decision Makers take into account existing Social Security legislation and established Case Law, as well as the individual circumstances of the case (including any evidence provided by the claimant).

In terms of decisions made, and sanctions imposed, these are subject to a quality assurance process to ensure that Decision Makers continuously apply the law fairly and consistently.

However, I attached three overviews of the decision making process which may provide you with additional information. Additionally, further guidance for Decision Makers can be found on the internet by typing 'Decision Makers Guide' into a search engine. Chapter 34 covers sanctions.

I hope this is helpful but if you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely

DWP Central Fol Team

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#### **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-req@xxx.xxx.xxx.uk](mailto:freedom-of-information-req@xxx.xxx.xxx.uk) or by writing to: DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

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 [www.ico.org.uk/Global/contact\\_us](http://www.ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745