



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

freedom-of-information-request@dwp.gsi.gov.uk

Our reference: VTR IR478
Date: 30 November 2015

Dear Mr Zola,

Thank you for your Freedom of Information request received on 25 August 2015. This is a review of FOI3109. You asked:

I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Benefit sanctions are a "last resort" & Jobcentre staff have discretion not to apply sanctions?'.

I requested:

"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."

https://www.whatdotheyknow.com/request/benefit_sanctions_are_a_last_resort/outgoing-464093

In the DWP information you disclosed, specifically:

Considering JSA LM doubts.pdf

<https://www.whatdotheyknow.com/request/282556/response/696905/attach/html/4/Considering%20JSA%20LM%20doubts.pdf.html>

Attachment Considering ESA Labour Market doubts.pdf

<https://www.whatdotheyknow.com/request/282556/response/696905/attach/html/5/Considering%20ESA%20Labour%20Market%20doubts.pdf.html>

Attachment Considering IS LM doubts.pdf

<https://www.whatdotheyknow.com/request/282556/response/696905/attach/html/6/Considering%20IS%20LM%20doubts.pdf.html>

there is no incidence of the words "as a last resort" or "last resort" and therefore you have not responded to this aspect of my request in a lawful manner, as you have not stated that you do not hold any Jobcentre staff and Decision Maker guidance that uses the words "as a last resort".

In your response letter

<https://www.whatdotheyknow.com/request/282556/response/696905/attach/html/3/FOI%203109.pdf.html> to my request for information you have merely created new information that did not exist. In this letter, you talk of "evidence", this has no relevance to my request for specific information containing the in closed quote words "as a last resort" .

Your response is merely using the Freedom of Information Act to deliver comment on your own benefit sanctions policies as a form of propaganda rather than addressing my request for specific information. If you do not hold the information being request please so say. IE: Confirm it's existence or not, noting:

Section 1(1)(a) of FOIA requires a public authority to inform a requester whether it holds the information specified in the request.

<http://www.legislation.gov.uk/ukpga/2000/36/section/1>

A full history of my FOI request and all correspondence is available on the Internet at this address:

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

Response:

I am of a senior grade to the person who dealt with your request previously, and can confirm that I have carried out an internal review. I am now in a position to respond to you.

I am content that your original request was dealt with in accordance with DWP guidelines for Fol requests.

Whilst DWP guidance does not use the exact phrase "last resort," it does explain the steps taken before a sanction is applied, and this make clear that sanctions are only applied as a last resort.

I apologise for the time taken to send this response to you.

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

Yours sincerely,

DWP Central Fol Team

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@dwpgsi.gov.uk or by writing to: DWP, Central FoI 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 or telephone 0303 123 1113 or 01625 545745