



Department
for Work &
Pensions

DWP Central Freedom of Information
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[DWP Website](https://www.dwp.gov.uk)

Our Ref: FOI2023/09520

Date: 20 February 2023

Dear John Bradfield,

Thank you for your Freedom of Information (Fol) request received on 4 February. You wrote:

"Can a benefit be "paused" when not "stopped entirely"?

Please define what the DWP means by a claimant's benefit having been "paused".

The DWP has declined to respond to 3 emails on this question, in connection with Funeral Expenses Payments.

I have always assumed, that a benefit is either paid or not paid and that a person is either a claimant or they are not, with no possibility for a grey area or uncertainty.

Presumably, "paused" is not the same as 'suspended'?

In its cost of living report on the 27 July 20, the Work & Pensions Select Committee refers to pausing deductions from benefits. That, however, does not appear to clarify the meaning of pausing a benefit.

GOV.UK states, "If someone earns enough to no longer receive Universal Credit, their claim will be paused automatically. If their earnings go down in a subsequent month, it is easy for them to re-start their Universal Credit claim. Their claim WILL ONLY STOP ENTIRELY if they have received no Universal Credit payments for 6 months".

It appears from that statement, that any benefit is paused, if it is not stopped entirely.

Is it logical to assume, that someone can be a benefit claimant, when they "no longer receive" that benefit, even though it is not stopped entirely?"

DWP Response

It may be helpful if we explain the role of the Fol Act. It provides a legal right of access to recorded information held by a public authority like the DWP, subject to certain exemptions that may apply. The Act does not oblige a public authority to create new information to answer questions; nor does it require a public authority to give an opinion or explanation, generate answers to questions, or create or obtain information it does not hold.

If you ask a question, rather than requesting recorded information, we will provide you with the recorded information that best answers the question. Once we have provided the recorded information, we have met our obligations under the Act; interpreting the information provided is up to you.

Your request asks a question you want us to respond to and would need new information to be created. However, you may find the following explanation useful, which we have provided outside of our obligations under the FoI Act –

The legislation does not provide a definition of “paused” in relation to benefits but does provide for payments of benefit to be suspended and for entitlement to terminate. Where a decision maker is considering a claim or application and requires information to make a decision, then decision making is paused (in the plain English sense) whilst that information is provided.

You refer to a Gov.UK statement in relation to Universal Credit. The information regarding Universal Credit that you referenced refers to the Statutory Instrument we introduced during the Coronavirus pandemic to clarify how certain payments would be treated in Universal Credit and also provides for a change that allows claimants to be brought back into UC after an initial claim has been disallowed or an award has terminated because earnings have exceeded entitlement.

Where a claimant's award is terminated solely due to earnings, we automatically treat them as having made a repeat claim in the following assessment period. This enables us to determine whether they are entitled to Universal Credit in the following assessment period. This can be done for up to 5 assessment periods if their earnings continue to produce a nil award.

Section 21 of the Freedom of Information Act allows us to direct you to information that is reasonably accessible to you, as it is already in the public domain, which may be useful:

[The Universal Credit \(Coronavirus\) \(Self-employed Claimants and Reclaims\) \(Amendment\) Regulations 2020 \(legislation.gov.uk\)](#)

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@dw.gov.uk or by writing to: DWP Central FoI Team, Caxton House, 6-12 Tothill Street, London, 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.

Website: [ICO FOI and EIR complaints](#) or telephone 0303 123 1113.