



Department
for Work &
Pensions

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[DWP Website](https://www.dwp.gov.uk)

Our Ref: FOI2021/77187

12 October 2021

Dear Jeff Smith,

Thank you for your Freedom of Information (FOI) request received on 22 September. You wrote:

“There seems to be a level of ambiguity, deliberate or otherwise, in the actions

of the DWP, concerning a claimant who agrees to participate in a training scheme, for example, the Work & Health Programme.

Yet who declines to sign any of the documentation required by the training provider.

The absence of signed documentation, will of course preclude the training provider from receiving their usual fee in respect of the claimant. Almost inevitably resulting in a rejection of that claimant from the Work & Health Programme.

You have stated in a previous response to my FOI No: 70138, that such a signature is not mandatory. Leading one to logically assume that no penalty can therefore be placed against the claimant. And that therefore no sanction can be applied. There is no apparent doubt as to the realities of this situation.

Yet the DWP assumes the right, to operate a further level of restriction against a claimant, innocent of any wrongdoing, by ‘raising a doubt.’ In effect a de facto sanction against the claimant, when none is justified or appropriate.

I would ask therefore, for full details of the legal basis, regulations and procedures, which allow the DWP to circumvent a non-mandatory refusal to sign documentation, and apply a substitute penalty against the claimant, by reclassifying this as ‘raising a doubt.’”

DWP Response

I can confirm that we do hold the information requested.

In general, employment programme providers are allowed to mandate claimants to certain activities provided the activity is reasonable. Guidance on failure to participate in work programmes is exempt under Section 21 of the FOI Act because the information is reasonably accessible to you, as it is already in the public domain. To be helpful, please see

the attached Restart provider guidance found via the following link - [Chapter 8: Mandating participants to undertake activity - GOV.UK \(www.gov.uk\)](#), and the Work and Health Programme guidance via the following link - [Chapter 5a: Mandation to activity attracting a low/lower level sanction - GOV.UK \(www.gov.uk\)](#)

The legal basis for this guidance is the Welfare Reform Act 2012 and Universal Credit Regulations 2013. This sets out the legislation by which failing to comply with mandatory activity could result in a sanction.

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 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 Contact Information](#) or telephone 0303 123 1113.