

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gov.uk

Our Ref: FOI2019/42770

11 December 2019

Dear Paul McCormack,

Thank you for your Freedom of Information (Fol) request received on 28 November. You asked the below, in relation to 'income related ESA and specifically to single claimants with no partner':

I wish to establish DWP current policy in the following circumstances.

A claimant is in receipt of means tested benefits and DWP are notified by the prison authorities that the claimant has been admitted to prison following sentencing. My understanding is that in such circumstances, the prison authority notifies DWP and as such this information is updated on DWP's IT system. I further understand that this information in turn generates a decision which is then issued to the claimant advising that benefit has stopped on the basis that they have been categorised as a prisoner. I understand that a computer generated letter is then issued by DWP advising the claimant as such. The purpose of this request is therefore as follows - Is this letter sent to the claimant at the the prison in question or alternatively to the residential address held on the DWP system?

I'd be grateful if you could provide the answer along with the guidance/legislation dealing with such a scenario.

DWP Response:

We confirm that we do hold the information you have requested. The process that is used for Employment Support Allowance (ESA) Claims, when a person is imprisoned is detailed below. This process relates to all ESA claims and includes income based single claimants with no partner, as specifically requested.

The National Offender Management Service (NOMS) will notify the DWP Central Prisoners Benefits Action Team (PBAT) for England and Wales, who will take the appropriate action on an Employment Support Allowance claim to terminate or suspend benefit. Scotland has its own centralised prisoner claim closure team based in HMP Barlinnie, who carry out the same process.

Once notified that the customer has gone into prison, the prison address is input into the computer system and from this point forward, it is used as a correspondence address.

The Operational Instructions for ESA customers are attached as a PDF document.

The legislation relating to this is already in the public domain and currently available on the House of Commons Library online, and therefore is exempt under Section 21 of the Freedom of Information Act because the information is reasonably accessible to you. However, to be helpful you can find the information you seek at

<https://intranet.dwp.gov.uk/manual/01-esa-instructions-service-centre-processing/16-imprisonment-or-detention-legal-custody>

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@dwp.gov.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
Web: ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745