

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

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

Our reference: FOI 2642 and FOI2732

Date: 05 July 2017

Dear Mr Zola

Thank you for your Freedom of Information requests received on 6 June and 12 June. You asked:

FOI 2642

For legacy JSA, new style JSA and UC, if a Claimant wants to dispute benefit conditions in:

[1.] The first Claimant Commitment (CC) of a new claim before accepting or agreeing to it

or

[2.] Proposed variation of an existing agreed and accepted CC

what processes must the DWP follow to resolve this dispute and how can a claimant require the DWP to accept any new proposals the claimant makes related to [1.] or [2.] to resolve the dispute?

When the DWP or one of it's Jobcentre Coaches does not accept any claimant CC proposals, what processes are they expected to follow related to [1.] and [2.] ?

What rights of appeal exist for a claimant who is required to accept a CC after the dispute they raise or proposals put forward are not accepted, how is this non acceptance communicated to a claimant?

During the process and time of disputing a new CC or variation of an existing CC, what happens to payment of legacy JSA, new style JSA and UC and under what circumstances can claims for such benefits be terminated?

Please disclose your guidance on above for a Work Coach and a Decision Maker and details of the legislation that applies to all the above CC issues. As well as the standard/template letters and notifications issued to a claimant during these CC dispute process , it's resolution or decision to terminate a claim and any Mandatory Reconsideration or Appeal rights that exist when a new claim is refused or after a determination has been made to terminate an existing claim or during any time of disputing a CC related to [1.] and [2.]

FOI2732

I wish to amend my request to:

When variation of an accepted and signed JSA claimant commitment (JSA/CC) is proposed and the Coach refuses outright to consider any alternative proposals put forward by a claimant, does a claimant risk a JSA suspension, JSA disentitlement or JSA sanction if they ask the "disagreement" "to be "reviewed"?

Who conducts this "review"?

What processes must the Coach follow to ensure this review is undertaken and what precise legislation applies to this "review" process?

Please disclose the guidance or advice used by those that undertake this "review" and the advice and guidance aimed at coaches concerning such a JSA/CC "disagreement" and any "review".

As part of the "disagreement" and the claimant asking for the variation to be "reviewed", what process does the Coach and reviewer follow to ensure that the claimants' stated alternative JSA/CC proposals or concerns about the reasonableness of the variation are fully considered?

Standard "My rights" text on a JSA/CC

"My rights

I know if there is a disagreement about my Claimant Commitment, I can ask for this to be reviewed...."

<https://www.whatdotheyknow.com/request/405670/response/980045/attach/html/4/CC%20O18%20E15.pdf.html>

DWP Response:

The Freedom of Information Act gives you a legal right of access to any recorded information held by a public authority. We do not have to provide opinions or explanations, generate answers to questions, or create or obtain information we do 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.

Please find attached the relevant instructions and the forms used when handling disputes of legacy JSA and UC Claimant Commitments, as detailed below:

JSA instructions – Annexes 1 to 5

JSA forms – ES48JP, ES66JP, ES367JP and ES589JP

UC instructions in Live Service areas – Annexes 6 to 10

UC instructions in Full Service areas– Annexes 11 and 12

There are no forms used for Universal Credit claimants in UC Full Service areas

UC forms in Live Service areas – UC215 and UC216.

There are no specific instructions for new style JSA cases.

The legislation relating to the requirement to agree or accept a Claimant Commitment is as follows:

JSA

Section 1(2)(b), 9–11 of the [Jobseekers Act 1995](#) and Regulations 36-44 of the [Jobseeker's Allowance Regulations 1996](#).

In addition, Regulation 31 of the [Jobseeker's Allowance Regulations 1996](#), details the content of a Claimant Commitment.

New Style JSA

Sections 44 and 49 of the [Welfare Reform Act 2012](#) and Regulations 7 and 8 of the [Jobseeker's Allowance Regulations 2013](#).

Universal Credit

Section 4(1)(e) of the [Welfare Reform Act 2012](#) and Regulations 15 and 16 of the [Universal Credit Regulations 2013](#).

Copies of this legislation are freely available on the internet and can be accessed via the links provided

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

Yours sincerely,

DWP Central FoI 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