DWP Central Freedom of Information Team

Paul Richardson Request xxxx@whatdotheyknow.com

e-mail: <u>freedom-of-information-</u> xxxxxxx@xxx.xxx.xxx

Our Ref: VTR 1062

11 May 2010

Dear Mr Richardson,

Thank you for your Freedom of Information request of 19 April 2010. You asked:-

- 1. Does this mean that a Benefit Enforcement team in an LA, who state they are following DWP Guidance, could have been using an out of date proforma since July 2008?
- 2. Would this have any implications for the legitimacy of any such cautions?

I am not in a position to comment on any forms that a local authority may be using. Local Authorities are autonomous administrative bodies and there is no legal obligation for them to adhere to DWP guidance although we do encourage them to use DWP criteria on cautioning policy.

As set out in my earlier letter, the latest guidance on issuing cautions is set out in Home Office Circular 16/2008. DWP guidance on cautioning has not been updated since the new Home Office Guidance was issued. DWP, however, regularly reviews its guidance and we are looking to update it to reflect simple cautions along with some other changes in the near future.

With regards to the implications for the legitimacy, as I explained previously, there is no statutory basis for the use of formal cautions. This means that there is no legal barrier to any non-police prosecuting authority introducing and using a formal cautioning policy of their own.

Yours sincerely,		
DWP Central Fol Team		

## Your right to complain under the Freedom of Information Act

DWP, Central Fol Team, 5<sup>th</sup> Floor The Adelphi, 1-11, John Adam Street, London WC2N 6HT. 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.gov.uk