



Department  
for Work &  
Pensions

DWP Central Freedom of  
Information Team  
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[DWP Website](#)

Our Ref: FOI2023/63218

14 September 2023

Dear Mr Williams,

Thank you for your Freedom of Information (Fol) request received on 16 August. You wrote:

“Please disclose any guidance or operational instructions issued to case managers and/or decision makers for universal credit concerning what approach should be taken to cases which may benefit from the judgment in *SSWP v AT (UC)* [2022] UKUT 330 (AAC).

Please disclose not just the guidance or instructions issued concerning whether to stay such cases under s.25 Social Security Act 1998 but also any guidance or instructions on how to assess whether *SSWP v AT* applies in cases where it is accepted a stay is inappropriate because the claimant is in hardship.”

### **DWP Response**

We confirm that we do hold the information you have requested. A copy of the information is therefore attached in the Appendices A and B.

Please note that the attached Decision Making Instructions and accompanying DMA Noticeboard post are interim guidance prepared in light of a specific appeal, namely the *SSWP v AT* litigation, which was and still is under appeal. Therefore, this is subject to change in light of further developments in the *SSWP v AT* litigation or other case law. Consequently, please can you notify others of the interim nature of the guidance if you share it more widely.

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

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### **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@dpw.gov.uk](mailto:freedom-of-information-request@dpw.gov.uk) or by writing to: DWP Central FoI Team, Caxton House, 6-12 Tothill Street, London, SW1H 9NA.

Any request for an internal review must be received by us within 40 working days of the date of this letter. Please note we are not obliged to provide a review if it is requested after more than 40 working days.

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.