

DWP Central Freedom of Information Team

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

Our Ref: FOI 643

DATE: 14 March 2016

Dear Mr Topping,

Thank you for your Freedom of Information request of 23/2/16. You asked:

My query relates to the hardship provisions for people who have received a sanction due to an adverse Labour Market Decision and the rules laid out in two paragraphs of the Decision Makers' Guide.

Specifically:

Paragraph 35099 of the Decision Makers' Guide :

"It would be usual for a normal healthy adult to suffer some deterioration in their health if they were without 1. essential items, such as food, clothing, heating and accommodation or 2. sufficient money to buy essential items for a period of two weeks.

See Appendix 6 to this Chapter for further guidance. The DM must determine if a person with a medical condition would suffer a greater decline in health than a normal healthy adult and would suffer hardship."

and:

Appendix 6 referred to above:

"Full health depends upon a regular and varied intake of food containing sufficient calories and essential nutrients. A normal healthy body contains enough reserves to cope with dietary changes over a short period but there are medical conditions that could deteriorate due to an inadequate diet over a two week period following a DM's decision."

(The labelling of subsequent versions of the DMG indicates that Appendix 6 is unamended since the DMG was first written but that the Paragraph 35099 was last revised in October 2010 and again in October 2015.)

These paragraphs state opinions as to effects on health of the two week waiting period for eligibility for hardship payments. Was any medical advice or evidence considered before these opinions were stated, or when these rules were amended subsequently?
If so could you provide the medical advice or evidence considered and it's source?

In 1996 Medical Policy Group gave advice on the effect of medical conditions on hardship which was based on information provided by BAMS (Benefit Agency Medical Services) doctors. This formed the basis of the advice and guidance in the Decision Makers Guide and was signed off by departmental lawyers and policy as being a correct interpretation of the policy and legislation. The narrative guidance itself has not altered and there have been no changes to regulations or to the policy on hardship since 1996. The updates you quote have been to add illustrative examples to help clarify the understanding of how the Decision Maker should consider the effects on health of the two week waiting period to be eligible for hardship.

I have enclosed the information you requested.

I wish to advise you that some of the information cannot be disclosed as it is exempt under Section 40(2) of the Freedom of Information Act as it relates to personal details of staff and releasing that information would be a breach of our Data Protection responsibilities, and some further information is exempt under section 42 as it contains legal advice from our lawyers..

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

Yours sincerely,

DWP Strategy 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.gov.uk