

DWP Central Freedom of Information Team

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

Our Ref: IR 851/IR 6

26 March 2014

Dear Mr Rotheram,

We take our responsibilities regarding Freedom of Information seriously and strive to respond within the time limits set out in the Freedom of Information Act. I apologise that it has taken some time to respond to your request for an internal review. We have been keen to provide you with the information you require but we have had some difficulty in fully understanding what that is.

In response to the Information Commissioner's intervention, this review was conducted by an independent official of the Department, of the relevant grade and authority to carry out such requests. The case has been examined afresh, and guidance has been sought from domain experts where appropriate to ensure all factors were taken fully into account.

With reference to your internal review requests 851 and 6:

I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'How to claim JSA without using the Government Gateway'.

Thank you for your reply. However, you did not explain to me why there was such a long delay before you gave me an answer. Had you been more prompt with your answer I would not have had to seek an internal review. Could you do me the courtesy of explaining the long delay in your response?

I still have a few points that need some clarification. I therefore seek an internal review of the handling of this request. In I R 690, in answer to the question; "Could you please give me or direct me to the claimants "criteria for claiming online"." you state this "Anyone can request copies of information which a public authority already holds in a recorded form, but the Freedom of Information Act does not require the Department to provide opinions or explanations, generate answers to questions, or create or obtain information it does not hold. While your request would involve the creation of new information, I can provide a summary of the criteria considered when determining if a claimant can claim online:". If as you have stated my "request would involve the creation of new information". [a] Could you please tell me where the information you produced came from and/or direct me to its source?

Also in answer to IR 690 you stated ""If claimant makes telephone contact the Contact Centre Agent will use the scripted diagnostic questions to make that assessment based on the responses provided by the claimant;" and I asked "With this(your)statement in mind could you please supply me with any written information that this process is voluntary and consensual for the claimant? or Not voluntary and consensual for the claimant?"

*The answer you eventually gave me in Fol 4605/IR 809 is both inaccurate and evasive. It is inaccurate because the process I was asking about was the physical process of using a telephone to make a claim and engaging in said process. I was NOT asking about claiming online. So I will ask again, **[b]** do you have any recorded information that this process (TELEPHONE) is: A/ Voluntary and consensual for the claimant? B/ Not voluntary and consensual for the claimant? For the sake of clarity could you answer both questions A and B please?*

*In Fol 4605/IR 809 you state that in answer to my misinterperated question "There is no information available about the JSA Online process being voluntary." This answer is evasive and could be misread and/or misunderstood so for the sake of clarity could you answer this question: **[c]** Could you please supply me with any recorded information that claiming JSA on line is NOT voluntary and consensual? Thank you. I look forward to hearing from you.*

[a] The source of the information you refer to is an interactive online tool which, depending on the response given, will direct the contact centre agent to this information.

[b] We hold no recorded information that the telephone process is either A/ voluntary and consensual for the claimant **or** B/ not voluntary and consensual for the claimant.

[c] We hold no recorded information that claiming JSA online is not voluntary and consensual.

Claims for benefit can be made by any of the methods allowed for by the law for the particular benefit concerned (the Social Security (Claims and Payments) Regulations 1987). Regulation 4ZC of those Regulations allows JSA to be claimed electronically by those who want to and are able to claim by that method. We encourage claims to be made online where possible but that does not and cannot legally preclude JSA being claimed by one of the alternative methods.

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@dwpgsi.gov.uk or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, London, 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