

DWP Central Freedom of Information Team

e-mail: freedom-of-information-xxxxxxx@xxx.xxx.xx

Our Ref: FOI 3302

26 July 2013

Dear Mr Silverside,

Thank you for your Freedom of Information request received on 14 July.
You asked for:-

Can you please provide documentation that confirms or contradicts that the start date of the initial JSA payment can only proceed from the date of the initial adviser meeting and the claimants first signing of a Jobseekers Agreement, opposed to the initial date of the JSA IAD online application when the claimant has fulfilled their obligations under the Jobseekers Act 1995 before their first signing of a JSAg.

In Summary

Is the initial signing of a JSAg the new official DWP start date of a JSA payment, please show in legislation when this process became the Norm or is the part of a departmental cost cutting exercise.

The start date of a claim to Jobseeker's Allowance is set down in The Social Security (Claims and Payments) Regulations 1987 (statutory instrument 1987/1968), in conjunction with The Jobseekers Act 1995 and The Jobseeker's Allowance Regulations 1996 (statutory instrument 1996/207) all of which is in the public domain and can be found from the Gov.UK website: <http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security/>.

The start date of a claim to Jobseeker's Allowance is normally the date of first notification to the Department for Work and Pensions of a person's intention to claim the benefit. That claim can then be made using a method approved by the Secretary of State. The methods are:

- Online;
- By Telephony; or
- A claim form

The start date of the claim remains the same as long as the claimant completes the initial data gather and then provides all the information and evidence required by legislation to properly determine their entitlement to the benefit. The claimant has one month from the date of notification to do

so, or such longer time as the Secretary of State deems appropriate to their circumstances.

There are exceptions to the start date being the date of first notification. These are:

- where the claimant requests an earlier start date, which is known as backdating, and is normally only for up to one month but can be for up to 3 months. Backdating is not automatic and the claimant must meet very specific conditions to be awarded an earlier start date;
- where the claimant requests a start date in the future, which can be up to 3 months from the date of first notification; or
- where the claimant fails to attend the initial jobseeker's interview and does not have a good reason for doing so. In this case the start date will become the date on which the claimant attends the Jobcentre to fully participate in a re-booked initial jobseeker's interview.

One of the basic conditions of entitlement to Jobseeker's Allowance is the requirement to enter into a Jobseeker's Agreement, following the discussion that a claimant has with their Personal Adviser at their initial jobseeker's interview. Jobseeker's Allowance will not be paid unless a claimant has a Jobseeker's Agreement, except in very specific circumstances set down in regulation 34 of The Jobseeker's Allowance Regulations 1996.

The legislation that sets out the date of claim, the timescales for providing evidence and the payment of Jobseeker's Allowance is in the public domain under:

'The Social Security (Claims and Payments) Regulations 1987' (statutory instrument 1987/1968), which can be found at:
<http://www.dwp.gov.uk/docs/a1-5501.pdf>.

The legislation that sets out the conditions of entitlement to Jobseeker's Allowance and associated requirements is also in the public domain under:

'The Jobseekers Act 1995', which can be found at:
<http://www.dwp.gov.uk/docs/a11-0101.pdf> and

'The Jobseeker's Allowance Regulations 1996' (statutory instrument 1996/207), which can be found at:
<http://www.dwp.gov.uk/docs/a11-4001.pdf>.

Additionally the Decision Maker's Guide is in the public domain and Volume 3 – Subjects Common to all Benefits, Chapter 8 – Payment of Benefit / Deductions of Benefit provides additional information. This can be found at: <http://www.dwp.gov.uk/publications/specialist-guides/decision-makers-guide/>

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@dwp.gsi.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