



Dear Paul

Thank you for your Freedom of Information request received on 30/09/14. You asked:-

- *Can you tell me under what legislation gives DWP the authority to ban claimants from Job Centre premises?*
- *What right of appeal do claimants who believe the ban is unfair and without foundation have?*
- *Is the DWP aware that banning claimants without a fair hearing is an offence under the Human Rights Act?*

[In précis]

"Article 6 - Right to a fair trial"

"Article 7: No punishment without law"

"Article 14: Protection from discrimination"

In relation to point one: The banning of claimants from Jobcentre premises is not covered by specific legislation. DWP does however carry out its functions under powers given in laws passed by Parliament. This includes, but is not limited to the Health and Safety at Work Act 1974 and Management of Health and Safety at Work Regulations 1999 which places a duty of care on the employer to remove or mitigate risk by reasonable means.

In relation to point two: The department has a process of complaint, review and reconsideration that can be applied to banning orders, should the claimant believe the ban is unfair and without foundation.

In relation to point three: DWP is aware of its duty under the Human Rights Act; and specifically in relation to banning claimants.

- In terms of Article 6 – as described above, the claimant may request that the decision to ban be reviewed. Due process would be followed for any public hearing / tribunal to occur.
- In terms of Article 7 – The banning of a claimant from Jobcentre premises is not a punitive action; alternative arrangements are put in place to allow continued access to full department services.
- In terms of Article 14 – The department does not aim to discriminate through its actions.

The purpose of banning a claimant from Jobcentre premises is wholly to prevent or mitigate the effect of unacceptable behaviour; and as a means of protecting DWP employees and the public in relation to their health or safety at its premises.

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

Yours Sincerely,

DWP HR Central Freedom of Information 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, 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