



Department
for Work &
Pensions

DWP HR Central Freedom of Information Team

e-mail: HR@DWP.GSI.GOV.UK

Fol ref No: VTR IR558

Date: 28 November 2014

Dear Paul of the Woods Family

On the 4th November you asked for the response you received in relation to four questions on Fol 4631 be reviewed.

I have reviewed the case and I am satisfied that the original response was handled properly and that the outcome of your request was correct. The reasoning behind this decision is as follows:

You asked:

1) *How can a claimant be 'punished' by a ban, when no offence in law has been committed or proved*

This information was provided in full: A ban is not a form of punishment for claimants as alternative contact arrangements will be put in place to accommodate them.

2) *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. Therefore, can you supply me with the procedure for this process, and this process should obviously include (to adhere to the HRA Article 6 - right to a fair trial) an independent and fair public hearing / tribunal to occur.*

This information was provided in full: Claimants must be given the opportunity to respond to a banning letter if they believe the decision is unfair and this will be referred to in the banning letter, which will provide the contact details of Treasury Solicitors Office (TSol).

TSol will forward any requests for clarification, review or complaints to the relevant Business Partner who will supply the evidence relating to the case to the Senior Business Partner to formally consider. In most cases it would be appropriate for TSol to clear the response.

3) *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. How does a claimant who has been banned without foundation access the JobCentre's computers to search for work? How does a claimant get advice and support from JCP advisers if they cannot enter the building?*

If the ban is without foundation, and there has been no incidents of 'unacceptable behavior' by the banned claimant, then there can be no risk to the DWP employees and the public, and therefore a ban in such a case is punitive, unlawful and discriminatory. It is a form of bullying.

This information was provided in full: Each case will be considered individually and alternative arrangements will be put in place for the period of the ban.

4) *If the DWP has banned a claimant without any evidence of wrongdoing , and then treated that claimant differently from other claimants without such evidence. Then that is quite clearly discrimination. Can you supply me with your policy and procedure and dealing with complaints of discrimination*

This information was provided in full: All complaints against DWP staff or services are investigated using the DWP Complaints resolution process as described on GOV.UK and this includes discrimination complaints. To support staff who deal with complaints and queries relating to discrimination, the Department has internal advice and guidance.

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

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