

DWP Central Freedom of Information Team

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

Our Ref: IR26

5 February 2014

Dear Mr Heppelstein,

I am writing in response to your review request received on 20 January 2014. An internal review has been carried out by someone of a senior grade to the person who dealt with your original request. I am now in a position to respond to you. In your review request (updated to reflect your additional questions submitted later) you said:

1. Is Section 44(2) of the Welfare Reform act 2012 and in particular section 1 (the jobseeker's allowance) subsection (2)(b) enacted? If so on what date did it become law?

2. If it is in force please provide the legislation that allows a claimant who has a JSAg to claim JSA contrary the requirement of the Act that the claimant must have "accepted a claimant commitment" [Section 44(2) of the Welfare Reform act 2012, section 1 (the jobseeker's allowance), subsection (2)(b)]?

3. You state in my previous FOI (5422) that it is mandatory to accept a JSA CC. Please provide the basis for that response, i.e. provide the legislation that specifically makes it mandatory for a claimant with a current JSAg to accept a JSA CC. You must have that information or you would not be able to state that it is mandatory.

4. In the section "My Claimant Statement" of the JSA CC there is this statement: "I understand this Claimant Commitment is my Jobseeker's Agreement for the purpose of section 1(2)(b) of the Jobseekers act 1995".

i. Please explain in layman's terms what this statement means - I am not asking for an interpretation of it but a rewording in terms that any person can understand.

ii. What are the legal consequences of agreeing to this statement? What is the purpose of the statement from a legislative and legal standpoint - what is its effect? Please provide any legislation that explains this.

5. i. Is the award of JSA conditional on the claimant agreeing that they understand the statement presented in question 4? Is there a difference for a new claimant and a claimant who has held a JSA claim for some time? Please provide the legislation that explains this.

ii. Can the JSA CC be accepted without agreeing to this statement? If not please provide the legislation which explains this.

iii. Can this statement be crossed out and the

remainder of the JSA CC be agreed to by signing the agreement? If not please provide the legislation that explains this.

After review, the Department's response to your request is as follows:

1. Section 44 of the Welfare Reform Act 2012 relates to the new-style Jobseeker's Allowance 2013 award for those claimants who are entitled to and wish to claim contributory based Jobseeker's Allowance rather than Universal Credit. Section 44 has not been fully commenced yet. Section 44(2) was partially commenced on 29th April 2013, by Article 7 of The Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013 (S.I. 2013/983). These relate to claimant responsibilities in relation to a new style JSA award.
2. Section 44(2) has only been commenced in those areas where Universal Credit has gone live and is only applicable to claimants in those areas applying and being eligible for an award of Jobseeker's Allowance 13. Claimants outside of Universal Credit areas will continue to claim Jobseeker's Allowance (JSA) subject to the Jobseeker's Act 1995.
3. One of the conditions for receipt of Jobseeker's Allowance is that jobseekers must have a Jobseeker's Agreement (JSAg) which is agreed and signed jointly by them and an adviser. This condition is set out in section 1(2)(b) of the Jobseeker's Act 1995. We have not needed to change JSA legislation to introduce the JSA Claimant Commitment because the legal requirements on JSA claimants remain unchanged. In legal terms, the Claimant Commitment is a Jobseekers Agreement, meeting the same legal requirements as that document.
4. i. 'I understand this Claimant Commitment is my Jobseeker's Agreement, agreement of which is one of the conditions of entitlement to Jobseeker's Allowance, as set out in section 1(2)(b) of the Jobseeker's Act 1995.'
ii. The purpose of the statement is to make claimants aware that the Claimant Commitment legally acts as the Jobseeker's Agreement as set out in the Jobseeker's Act 1995.
5. i. Entitlement to Jobseeker's Allowance is not conditional on the claimant agreeing with this statement because as described in the response to question 4 all this statement explains is that the Claimant Commitment is, for legal purposes, a Jobseeker's Agreement. However, agreeing and signing the Claimant Commitment (JSAg) is a condition of entitlement as explained in the response to question 3. At present, the Claimant Commitment has only been introduced to new JSA claimants and Work Programme completers. As explained already both the Claimant Commitment and the JSAg are legally the same document and claimants are subject to the same legal requirements for both.
ii. The answer is provided under 5. i. above.
iii. The claimant commitment is - in legislative terms the JSAg - agreement of which in its entirety is a condition of entitlement to JSA.

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 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