

DWP Central Freedom of Information Team

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

Our Ref: FOI2019/06640

28 March 2019

Dear Frank Zola,

Thank you for your Freedom of Information (Fol) request received on 14 February. You asked:

With regards your Ashton under Lyne Jobcentre, please supply [1] a copy of the landlord and tenancy questions form given to UC claimants, as discussed in <https://thepoorsideof.life/2019/02/14/64-year-old-woman-with-multiple-health-condition-fails-universal-credit-medical-assessment-living-in-substandard-accommodation-how-are-people-supposed-to-survive-this/> You can see an image extract of the form at: <https://thepoorsideoflife.files.wordpress.com/2019/02/d3bbbd44-d8d4-4013-9e04-bed98a24a42c.jpeg>

The form contains questions, such as:

- a. 'Would your landlord accept less rent at times if you could not afford to pay the full rent?'*
- b. 'Will your landlord accept a lower rent if universal credit does not meet your full rent liability?'*
- c. 'Would your landlord take you to court to evict you if you failed to pay the rent?'*
- d. 'Would your landlord take legal action to recover rent arrears?'*

[2] If a claimant declines to complete this form or does not have any of the information requested, what penalty, benefit delay or sanction would apply? What legislation requires a UC claimant to provide any answer to all of the forms questions?

[3] For forms questions a, b, c, and d asks a claimant to offer an opinion about what a landlord could/would do, can you advise how a claimant would know what action a landlord may take with regards these questions. If a claimants answers a, b, c, and d by saying:

'I do not know, please ask the landlord or read the tenancy terms and conditions'

what penalty, benefit delay or sanction would apply?

[4] What is the purpose(s) of this form and will it's content/responses be shared/processed by any other organisation such as a local authority?

DWP Response:

For part 1, I can confirm that the Department holds the information requested.

Please find attached at annex A.

For parts 2,3,4: it may be helpful if I explain the role of the FOIA. The Act provides a right of access to recorded information held by a public authority like DWP (subject to certain exemptions). The Act does not provide that a public authority must create new information to answer questions; nor does it provide that a public authority give advice, opinion or explanation in relation to issues/policies under question.

In cases where a customer does ask a question, rather than request recorded information, we do our utmost to provide the recorded information that best answers the question. Once the public authority has provided the recorded information, it has met its obligations under the Act; interpretation of the information provided is left to the requestor.

The information we hold that best explains / answers your questions:

The form is to gather information which will assist decision making, in relation to the housing element only of Universal Credit, and help to determine Universal Credit benefit entitlement. There is no penalty or sanction applied if the form is not completed or if the claimant does not have all the information requested. The form would not be shared with any other organisation.

We are continually reviewing the Universal Credit claim processes taking account of feedback from stakeholders with a view to improving the claim process.

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, 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
https://ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745