

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk)

Our Ref: VTR IR 285

DATE: 26 March 2013

Dear Ray Playforth,

Thank you for your Freedom of Information review request received on 24 March. You asked for:-

*I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Legal basis for denying claimants rights to appeal'.*

*The response I have received to my FOI request 'Legal basis for denying claimants rights to appeal' does not address the issue at all which is about DENYING claimants their legal rights to appeal. Instead you have provided information about powers to delay appeals and stay decisions, a completely different set of circumstances.*

*For your clarification and to aid a proper response the Minister said "As we are currently seeking permission to appeal, claimants who have already served a sanction WILL NOT BE ABLE TO APPEAL on the basis of the court's decision until our appeal is heard". This statement is repeated in the circular (02063 DWP/43)circulated to all JCP staff under the heading "WILL A CLAIMANT BE ABLE TO APPEAL AN EXISTING SANCTION?" If JCP staff follow this "guidance" they will be telling claimants they cannot appeal hence my question 1 as I do not think there are any legislative provisions in social security legislation that give the SOS or the Department such power.*

*I have become aware since this FOI that CPAG's solicitor has written to the Department's solicitor about this precise point and as a result formal guidance has been issued that states claimants can request an appeal of their sanction decision which has been confirmed in the response to question 2. This implies that there is no legal basis to question 1 and I would like you to respond*

*appropriately to the question.*

*In light of the above please can you justify your response to question 2 that the Minister did not mislead the House although given the 'extraordinary' (being very polite here) events surrounding the introduction of the Jobseekers (Back to Works Schemes) Bill to Parliament and circumstances surrounding the DWP's appeal to the Supreme Court I am not anticipating the Minister will do the honourable thing.*

*In conclusion please respond correctly and actually answer the questions I asked.*

You can expect a reply by 23 April unless I need to come back to you to clarify your request or the balance of the public interest test needs to be considered.

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

Yours sincerely,

DWP Central Fol Team

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#### **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](mailto: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](http://www.ico.gov.uk)