

DWP Central Freedom of Information Team

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

Our Ref: VTR 891

1 March 2013

Dear Mr Eccles,

Thank you for your Freedom of Information request which we received on 22 February 2013.
You asked:

Under what circumstances can advisors from Job Centre Plus remove claimants from New Enterprise Allowance; what guidance is issued to staff?

What does DWP mean by the term Meaningfully engaged in running a business? What sort of evidence would claimants need to provide to prove they are meaningfully engaged in running a business?

To be eligible for the weekly allowance claimants must provide proof of working at least 16 hours a week does it have to be at least 16 hours a week?

Can sanctions imposed on New Enterprise Allowance claimants be appealed? If I was to make a complaint how will it be handled and could I get NEA re-instated?

Please find attached the New Enterprise Allowance (Jobseeker's Allowance claimants) guidance issued to Jobcentre Plus staff.

Regards removing claimants from New Enterprise Allowance (NEA), paragraphs 89-99 and 168-175 will be of particular interest to you.

DWP do not provide an official definition of 'meaningfully engaged in running a business'; interpretation is at the discretion of local advisers. Regarding evidence that may go towards demonstrating meaningful engagement in running a business, I would draw your attention to paragraphs 164 and 165 of the guidance.

Paragraph 162 of the guidance references the requirement to being meaningfully engaged in running the business for at least 16 hours per week. There are no exceptions to this.

Like all Jobseeker's Allowance sanctions, those imposed in relation to NEA can be appealed; paragraph 82 of the guidance covers this.

Whether, or not, the NEA weekly allowance can be re-instated will depend on the circumstances of the cessation. In this regard, paragraphs 168-177 will be of particular interest to you.

Section 21 of the Freedom of Information Act allows us to direct you to information which is already reasonably accessible to you. Information about making complaints and how they are handled can be found on the GOV.UK website. The link below will take you to the appropriate section:

<https://www.gov.uk/complain-jobcentre-plus>

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, London, 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