

DWP Central Freedom of Information Team

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

Our Ref: VTR 5921

9 January 2014

Dear Mr Harris,

Thank you for your Freedom of Information request of 22 December 2013. You asked:

It seems likely to me that you will have carried out research to determine how many claimants have in practice been erroneously denied (or dissuaded from claiming) JSA as alleged. Please send me full documentation of that research. If you have not done that research, please send me copies of all correspondence relating to the decision not to carry out the research. If that would exceed the £600 limit, please restrict your search by eliminating regional and local offices

Further, if you have issued any memos, policies or guidance intended to help staff avoid erroneously denying claimants JSA (or advising that they might not be eligible) as alleged, please send me copies.

I can confirm the Department has not carried out any such research; therefore the information you have requested is not available.

When a claimant moves from ESA to JSA all claimants on JSA are required, as a condition of entitlement, to be available for employment and actively seeking employment. However, there are easements for claimants with a physical or mental health condition and they may restrict their availability in any way provided the restrictions are reasonable in the light of their physical or mental health condition. For example, a person with emphysema could restrict the:

- type of work - to avoid working in smoke or fumes;
- number of hours worked in a week;
- number of hours in a shift.

A claimant may also restrict their travel time if they have a physical or mental health condition, which affects their ability to travel.

The following guidance is issued to DWP staff for claimants moving from ESA to JSA:

Claimant asks to be referred back to Employment and Support Allowance

43. During an advisory interview, or a Jobsearch Review, the claimant may request to be referred back to Employment and Support Allowance. This should only be considered if the claimant presents a different illness or condition to the one they originally claimed Employment

and Support Allowance or Incapacity Benefit for and has appropriate medical evidence to support this.

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 www.ico.gov.uk