

**Department for Work and Pensions (DWP)**

**Central Freedom of Information Team**

freedom-of-information-request@dwp.gsi.gov.uk

**Our reference:** VTR 2351

**Date:** 7 July 2015

Dear Mr Kendall,

Thank you for your Freedom of Information request dated 09 June 2015. You stated:

While reading through documentation providing guidelines and legislation covering benefit claimant rights and responsibilities I am troubled by the use of what read like weasel words. These do appear to me to give the people administering and enforcing the act rather a lot of wriggle room in terms of how they interpret what they can mandate and exactly what benefit claimant responsibilities are.

Also, I notice that far greater weight is put behind claimant responsibilities than is put behind what commitments claimants have the right to expect and directions they have the right to refuse.

This in mind, any documentation you are aware of which will help shed more light on claimant rights and DWP responsibilities will be most welcome. Please be thorough.

Allow me to express two of my queries, which I outline in the first paragraph, as questions. I understand the freedom of information act does not require new information to be produced, however, it is sometimes I think easier to express the fact I seek documentation which answers queries. However, do please feel to try to answer the question too, if you are able.

The two expressions which recur frequently which cause me the most difficulty are those which appear to state that DWP operatives are allowed to mandate claimants do anything they deem reasonable. Do please look for the word "reasonable" where it refers in the documentation to the responsibilities given to claimants by DWP operatives. The other which appears to lack definition are matters which are said to be settled by "advisor discretion". Please feel free again to refer to places in the documentation for which matters are said to be ably decided according to "advisor discretion".

For illustration purposes, DWP staff are not necessarily the most reasonable of all people. Also, their discretion is frequently something which leaves much to be desired. It troubles me greatly that matters of reasonableness and discretion are placed in the hands of a workforce who between them present something of a lottery in the matters of being reasonable and discrete. Many of the Jobcentre plus employees I have spoken to appear not to score on either count. They do often appear score very highly on viciousness, poor decision making, arrogance and resting on their own stereotypical views on benefit claimant intelligence and capability.

-----  
For these reasons I am most curious about any documentation placing sensible limits defining advisor discretion and reasonability, including sensible governance of matters which fall down to the Byzantine nightmare therein.  
-----

Therefore, please assist by supplying any documentation which elucidates on the definition of said advisor discretion and reasonability which so often appears to decide what befalls the unfortunate claimant. Exemplifying such reason, in my own case, was an advisor who reasoned that, because I am professionally qualified, it made perfect sense to mandate me to participate in a work program which had me banging nails into fence posts for four weeks. Actually, I already know reasonably well how to bang nails into pieces of wood. Is this the sort of thing referred to as "reasonable"? Is this what is permitted within "advisor discretion"? Because it wholly contradicts my own sense of reason and discretion.

Please forgive me for the convoluted nature of this request, I am having difficulty remaining reasonable whilst feeling extremely angry at how I am treated by, by my own sense of reason, idiotic DWP staff. In order to aid clarity, I have placed the key component within minus signs above. Please do though feel at liberty to try to respond to this whole sorry, and in my view entirely unreasonable, affair.

For ease of reference, I have extracted the two requests from your original email detailed above and copied them below in bold text and the response to each request is in italics text. We have also understood your requests to relate to the conditions of entitlement and the conditionality requirements advisers may impose on JSA claimants to whom the Jobseekers Act 1995 and Jobseeker's Allowance Regulations 1996 apply.

**This in mind, any documentation you are aware of which will help shed more light on claimant rights and DWP responsibilities will be most welcome. Please be thorough.**

*In terms of claimant rights, copies of recorded information are attached in the:*

- *JSA Claimant Commitment (specifically, the 'My rights' section on page 3); and*
- *WS1 - My Work Plan Booklet (specifically, the 'If we make a decision about your benefit' section on page 40).*

*Section 21 of the Freedom of Information Act allows us to direct you to information which is already reasonably accessible to you. The information you requested in terms of DWP responsibilities are in two documents that explain the service standards you can expect from us, which are available on the Department's website in the links below:*

- <https://www.gov.uk/government/publications/about-the-dwp-our-service-standards-leaflet>
- <https://www.gov.uk/government/publications/our-customer-charter>

**Therefore, please assist by supplying any documentation which elucidates on the definition of said advisor discretion and reasonability which so often appears to decide what befalls the unfortunate claimant.**

*Section 21 of the Freedom of Information Act allows us to direct you to information which is already reasonably accessible to you. The information you requested about adviser discretion and considering what is reasonable was provided to you in our reply to your recent request and is available on the Whatdotheyknow.com website in the link below:*

[https://www.whatdotheyknow.com/request/what\\_are\\_dwp\\_staff\\_unable\\_to\\_man#incoming-662228](https://www.whatdotheyknow.com/request/what_are_dwp_staff_unable_to_man#incoming-662228)

*This contained recorded information on the conditions of entitlement for Jobseeker's Allowance (JSA) claimants to be available for and to actively seek work. This included the discretion advisers may have (specifically, paragraph 110) and what an adviser must consider as reasonable to expect of a claimant in order to meet these conditionality requirements.*

*The reply also contained recorded information on the conditionality requirements advisers may impose on JSA claimants by giving such claimants a Jobseeker's Direction. This included what must be considered by the adviser to ensure that any Direction given is appropriate and reasonable after taking into account a claimant's particular circumstances (specifically, paragraphs 3 to 25).*

*I have also attached to this reply recorded information about the discretion advisers have in referring claimants to:*

- *Mandatory Work Activity (specifically, paragraph 16);*
- *Community Work Placements (specifically, paragraph 5) and Daily Work Search Reviews (specifically, paragraph 48) in the Help to Work package (for JSA claimants whose Work Programme Completer Interview was on or after 28 April 2014; and*
- *the Work Programme (specifically, paragraphs 45 to 47).*

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

Yours sincerely,

DWP Central FoI 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@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk) or by writing to: DWP, Central FoI 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.org.uk/Global/contact\\_us](http://www.ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745