

DWP Policy Group Freedom of Information Team

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

Our Ref: FOI2019/27549

13 August 2019

Dear Amanda Hart,

Thank you for your Freedom of Information (Fol) request received on 23 July. You asked:

*Please kindly provide a copy of DWP's communication or guidance to staff asking them to remove any reference in documents that claimants cannot appeal a benefits decision.*

*This would have come after it was found DWP was telling claimants they cannot appeal a benefits decision when in fact they can.*

**DWP Response:**

I can confirm that we do not hold the recorded information to respond to your request.

However, you may find the following explanation useful. We have provided this outside our obligations under the Freedom of Information Act.

S12 of the Social Security Act 1998 provides for the right of appeal against decisions made in relation to benefits. Separately, The Social Security and Child Support (Decisions and Appeals) Regulations 1999 and The Universal Credit, PIP, JSA and ESA (Decisions and Appeals) Regulations 2013 provide for decisions which are not appealable. A decision maker cannot independently decide to act otherwise. That would be unlawful. Accordingly, no such guidance or communication has been issued. If the law has been applied incorrectly that would be a compliance error and not through any official direction.

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

Yours sincerely,

DWP Policy Group 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@dwp.gov.uk](mailto:freedom-of-information-request@dwp.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  
Web: [ico.org.uk/Global/contact\\_us](http://ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745