

DWP Central Freedom of Information Team

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

Our Ref: FoI Rev 453 and FoI 2374

May2013

Dear A.Garbett,

Thank you for your Freedom of Information review request, received on 21 May 2013, in relation to case reference 1373. In addition to asking for a review you have also posed several further questions. As explained in the acknowledgement letter we posted, these two matters are handled separately but for ease of reference are being combined in this response. The first part of this response relates solely to a review of your original request; the second part addresses the new questions.

Please be assured that your request for a review has been given our full consideration. The review was conducted by an independent official of the Department, of the relevant grade and authority to carry out such requests. The case has been examined afresh, and guidance has been sought from domain experts to ensure all factors were taken fully into account.

In reviewing your request I find that in terms of our obligations under the Freedom of Information Act, those obligations were met. However, I think it would have been helpful if, in our response to you, we had explained the role of the Freedom of Information Act and our responsibilities under the Act. I hope that doing so now will help you understand the content of both our original response and this one.

The Freedom of Information Act provides a right of access to recorded information held by a public authority like DWP (subject to certain exemptions). The Act does not provide that a public authority must create new information to answer questions; nor does it provide that a public authority enter into debate about or give advice, opinion or explanation in relation to issues / policies under question. In cases where a customer does ask a question, rather than request recorded information, we recommend that the requestor is provided with the recorded information that best answers their question; we do this in the interests of good customer service.

As you were not seeking recorded information, and we hold no recorded information relating directly to the questions you asked, the officer dealing with your request tried, instead, to provide you with a simple explanation of the sanction / appeal process, the requirements

placed on someone claiming Jobseeker's Allowance and the duty of Jobcentre Plus staff where they identify doubts about a claimant meeting those requirements.

In summary, I believe the officer who responded to your request met their obligations under Freedom of Information Act and, apart from providing a brief explanation of the functions of the Act, helped you as best they could in the circumstances.

Turning now to the additional questions, you asked:

Q1 why did you deny my 12-year-old daughter and I heat? food? and the basic lifestyle the human rights act says we're entitled to? (see section 25 of the human rights act)

Q2 are you now going to stop unnecessarily sanctioning people where

(i)there are no jobs?

(ii)or -as in my case - I didn't apply for every job (even though I was unqualified for the jobs e.g. managerial jobs they said I should have taken) so I was sanctioned WHY?

(iii) vulnerable people are the most likely to be sanctioned because they're educationally unlikely to take you on and appeal (e.g. mentally frail, semi or illiterate) why are you allowing this?

Q3 If you weren't unnecessarily sanctioning please explain why have admitted it? see:

<http://www.unemployednet.org/jobcentre-sanctions-targets-%E2%80%93-dwp-admits-mistakes>

Q4 will all the bonuses paid out for sanctioning people be paid back to those sanctioned for no reason of their own? n.b. I couldn't afford an Easter egg for my child!

As questions 1 and 2(ii) seek information about your own benefit claim we are unable to answer them under the provisions of the Freedom of Information Act. To get information about your claim you will need to make a Subject Access Request under the Data Protection Act. Details of how to do this can be found on the DWP website via the link below:

<http://www.dwp.gov.uk/privacy-policy/data-protection/>

We also advise that you speak to either your Personal Adviser or the Advisory Team Manager at your local Jobcentre and, if they cannot resolve matters to your satisfaction, ask them about lodging a complaint so your case will be considered at a more senior level. You might also seek support that is available from non-governmental organisations such as your local Citizens Advice Bureau.

The remainder of your questions seek the views of the department on particular issues and as you will gather from the explanation of the Freedom of Information Act provided above, the Act is not the appropriate channel for this. As none of the questions asked fall within the scope of Freedom of Information, we are unable to progress this through this channel.

On specifics directly associated with your case, can I suggest that in the first instance you speak with your Personal Adviser at your local Jobcentre. Alternatively, you might wish to take

matters up with appropriate ministers, either directly or through your local MP. In this regard you may find the link below helpful:

<http://www.parliament.uk/about/contacting/mp/>

If you have any queries about our handling of either the review or your further request, please contact us quoting the appropriate reference as provided at the top of this letter.

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