

Department for Work and Pensions (DWP)
Central Freedom of Information Team

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

Our reference: VTR 107

Date: 6 February 2015.

Dear Mr Harris,

Thank you for your Freedom of Information request received on 11 January 2015. You asked:

DWP people frequently say that sanctions are a "last resort" A few examples:

"Benefit sanctions are only used as a last resort and the overwhelming majority of claimants do not receive a sanction"

https://www.whatdotheyknow.com/request/jsa_sanction_statistics_by_lengt

"In a letter to the committee, McVey defended the sanctions system. She wrote: "It is widely accepted that they play an important role in the benefit system. They are effective in encouraging compliance and we continue to manage the process so they are only imposed as a last resort.""

<http://www.dailyrecord.co.uk/news/politics/con-dem-benefits-axewoman-esther-mcvey-4938098>

"However, sanctions are used as a last resort"

<http://www.theguardian.com/politics/2014/may/14/more-jobseekers-allowance-claimants-subject-benefit-sanctions>

Please send me the evidence relied on for these statements that sanctions are used as a "last resort"

DWP uses the term 'last resort' in reference to the fact that there are many safeguards in place to prevent sanctions being inappropriately applied. It may be helpful if I explain the steps taken before imposing a sanction.

We take into account individual circumstances when setting requirements, e.g. in terms of what activities someone might be expected to undertake to give themselves best prospects of employment. Nobody is expected to undertake something that is simply unreasonable given their circumstances.

If a claimant refuses or fails to comply with any requirement placed on them, they are given the opportunity to provide their reasons for not complying. Where the claimant demonstrates they had good reason, a sanction is not applied.

Where a potential sanction is identified, the details are referred to an independent Decision Maker to consider whether or not the claimant had good reason. DWP Decision Makers make their decisions on behalf of the

Secretary of State. When determining whether or not a person had good reason, Decision Makers take into account existing Social Security legislation and established Case Law, as well as the individual circumstances of the case (including any evidence provided by the claimant).

In terms of decisions made, and sanctions imposed, these are subject to a quality assurance process to ensure that Decision Makers continuously apply the law fairly and consistency.

If you have any queries about this letter please contact us 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.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745