



Department  
for Work &  
Pensions

Central FoI Team  
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[www.dwp.gov.uk](http://www.dwp.gov.uk)

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

Date: 30 January 2015

Our Ref: IR 28

Dear Patrick McManus

Thank you for your Freedom of Information (FoI) internal review request received on 15 January 2015. You asked:

*"I never asked you about the "applicable amount" nor did I ask you about a regulation. In fact you never answered my questions properly.*

*So again, can you confirm that the statement "the law says you need to live on each week" is false, as there is no such law? (this requires a yes or no answer)*

*Can you define "the law" i.e. what is the definition of "the law"?*

*If you cannot evidence "the law" then will you remove or amend this accordingly?*

*In response to your question, the statement appears in your letter referring to Jobseekers Allowance.*

*The Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), Part VII – Amounts, regulations 79 to 87A and Schedule 1 – Applicable amounts, found at: <http://lawvolumes.dwp.gov.uk/docs/a11-4001.pdf> is a REGULATION and NOT a Law.*

*Therefore the statement "the law says you need to live on each week" IS false, misleading and I will go as far as claiming that you (DWP) are acting in fraud.*

*Definition of fraud from the Serious Fraud Office - <http://www.sfo.gov.uk/fraud/what-is-fraud.aspx>*

*"Fraud is a type of criminal activity, defined as:*

*'abuse of position, or false representation, or prejudicing someone's rights for personal gain'.*

*Put simply, fraud is an act of deception intended for personal gain or to cause a loss to another party.*

*The general criminal offence of fraud can include:*

*deception whereby someone knowingly makes false representation  
or they fail to disclose information  
or they abuse a position."*

*Your statement should, for the avoidance of doubt, clearly state "the regulations" instead of "the Law".*

*It is your duty when making such a statement to provide and/or evidence the said regulation to back up your claim. "*

In response to your request, I can confirm that the handling of your original request and response has now been appropriately reviewed by someone unconnected with the handling of your original request.

As a result of this review I am satisfied that the original response was handled properly and that the outcome of your request was correct. The reasoning behind this decision is as follows. Whilst you did not request information about the "applicable amount", it is those regulations that prescribe the maximum amounts of benefit payable to an individual. For that reason you were given an explanation regarding the applicable amount and signposted to the relevant regulations.

References to "the law" in letters and notifications refer to Social Security law which is a catch-all term that encompasses the numerous Statutes and Statutory Instruments containing the current provisions relating to social security.

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

Yours sincerely,

DWP Central Fol Team

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#### **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](mailto: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. Please remember to quote the reference number above in any future communications.

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