

DWP Central Freedom of Information Team

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

Our Ref: VTR 4202

16 September 2013

Dear Ms Sarah Conner ,

Thank you for your Freedom of Information request received 1 September 2013. You asked;

In years gone by the phrase, the law says you need this amount to live on, was put on benefits letters when sent to a claimant telling them how much benefit they would receive, this phrase does not appear on the letters now.

1. Is this phrase still in use

The phrase "the amount the law says you need to live on" is still used in Income Support letters sent to notify a claimant of how the award of Income Support has been calculated

The ESA clerical and system award notices also contain the text "the amount the law says you need to live on".

The JSA clerical letters were amended in October 2011 from "the amount the law says you need to live on" to read "the amount the law says you are allowed based on your means". System generated notifications continue to refer to "the amount the law says you need to live on".

2. Does the phrase only apply to certain benefits and if so which benefits.

As can be seen above, only the Jobseekers Allowance clerical letters were amended to reflect a revision to the wording.

3. If still in use why was it removed from the benefits letters

The change to JSA clerical letters was made to avoid any misunderstanding that the amounts of benefit specified in legislation represent the minimum that a person needs. This has never been the case:

The phrase "the amount the law says you need to live on" in fact refers to the "applicable amount" of benefit, laid down in law, that can be awarded if a person satisfies the conditions of entitlement. This amount may not be the amount that is actually awarded as it may be reduced by any income, savings or capital that any person in that award has. It can be further reduced if a claimant fails to comply with the conditions attached to receiving that benefit, this is known as a sanction or penalty, or if deductions are made direct to third parties such as housing, fuel or maintenance charges.

To date, we have not changed other notifications because of the cost of doing so.

4. an explanation to how it can it be lawful to impose a sanction if a person is only receiving the bare minimum in benefits that the phrase applies to.

The JSA sanctions process incorporates a number of safeguards to ensure a fair and transparent regime. Each sanction is considered on a case by case basis and claimants are given five working days to provide their reasons for failing to participate or engage with conditionality requirements.

Once sanctioned JSA claimants can apply for hardship payments. In order to get these payments the claimant is required to prove they are at risk of hardship. In practice, hardship payments are made if claimants can demonstrate that they cannot buy essential items, including food, clothing, heating and accommodation and so are at risk of severe suffering or privation. If claimants are eligible for hardship payments they will receive 60% of their JSA personal entitlement allowance for the period of the sanction (80% if a claimant or a member of the family or a member of a joint-claim couple is pregnant or seriously ill). The levels of 60 and 80% are set in legislation. They are considered to be the amount of benefit claimants in hardship need in order to meet essential needs, whilst still subjecting them to a financial impact for non-compliance.

If you have any queries about this letter please contact me 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.gov.uk