



Department  
for Work &  
Pensions

DWP Central Freedom of  
Information Team  
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[DWP Website](#)

Our Ref: IR2021/29710

12 May 2021

Dear Jeff Smith,

Thank you for your Freedom of Information (FoI) request received on 14th April. You wrote:

"I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Transfer of Legacy JSA claim to New Style JSA'. It would have not have inconvenienced the department to have provided a genuine answer to this question."

## DWP Response

In response to your internal review request, we 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.

We can advise that the original response was partly correct. Your complaint is therefore partially upheld. The reason for this is as follows:

- The response correctly stated that the information requested is in the public domain and the link to the Decision Makers instructions is also correct;
- We have reviewed our original response and, having regard to the very specific circumstance you have mentioned, have decided that it may not have correctly answered your question.
- The 'transfer' of Old Style Jobseeker's Allowance to New Style occurs via the abolition of income-based Jobseeker's Allowance when a claimant makes a claim for Universal Credit. In this way, any contributory Jobseeker's Allowance will become New Style (provided that the claimant remains entitled to it). The relevant legislation for this is Article 4 of [The Welfare Reform Act 2012 \(Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions \(Amendment\)\) Order 2013](#), titled 'Day appointed for the abolition of income-related employment and support allowance and income-based jobseeker's allowance'.
- However, where an old style Jobseeker's Allowance claimant has had no change of circumstances that would prompt them to claim Universal Credit, no legislation would be engaged to abolish income-based Jobseeker's Allowance. This means that there would be no 'transfer' to New Style Jobseeker's Allowance in these circumstances.

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

Yours sincerely,

DWP Central Freedom of Information Team  
Department for Work and Pensions

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### **Your right to complain under the Freedom of Information Act**

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 Contact Information](#) or telephone 0303 123 1113 or 01625 545745