

# Freedom of Information request 1829/2013

Received 17 April  
Published

## Information request

*I write to request the number of clients attending Penzance Jobcentre whose benefits were sanctioned due to late attendance to appointments in the last two financial years.*

*I would also like to know the official rules regarding late arrivals. How many seconds late does a client need to be before it is legally deemed they have not attended?*

***I write to request the number of clients attending Penzance Jobcentre whose benefits were sanctioned due to late attendance to appointments in the last two financial years.***

We currently publish statistics regarding Jobseekers Allowance (JSA) sanction referrals up to 21st October 2012, which is the latest data available, via the Department's Tabulation Tool which can be found at <http://research.dwp.gov.uk/asd/index.php?page=tabtool>.

The information you have requested covers sanctions data at Jobcentre Plus Office level which is not currently available however these statistics are intended for future publication on 15th May 2013. Information on this publication will be provided on news and announcements link here: <http://statistics.dwp.gov.uk/asd/index.php?page=news>

As these statistics are due for future publication they are therefore exempt from disclosure under the terms of Section 22 (Information intended for future publication) of the Freedom of Information Act. This exemption is qualified, and is therefore subject to a public interest test. The public interest test is where the Department considers whether the balance of the public interest falls in favour of withholding or disclosing the information requested.

Arguments in favour of disclosure: There are public interest arguments in favour of disclosure of this information at the present time. Disclosure would for example improve transparency in the operations of the Department.

Arguments against disclosure: There are public interest arguments against disclosure of this information at the present time. These arguments include that it is in the public interest to adhere to the existing publication process for

official statistics, which includes time for the data to be collated and properly verified.

It is also in the public interest to ensure that the publication of official information is a properly planned and managed process, to ensure that the data are accurate once placed into the public domain. It is also in the public interest to ensure that the information is available to all members of the public at the same time, and premature publication could undermine the principle of making the information available to all at the same time through the official publication process.

On this occasion, the balance of the public interest test falls in favour of withholding this information.

***I would also like to know the official rules regarding late arrivals. How many seconds late does a client need to be before it is legally deemed they have not attended?***

Section 21 of the Freedom of Information Act allows us to direct you to information which is already reasonably accessible to you.

The fact that a Jobseeker's Allowance claimant must attend appointments at the time and place they are notified of, is governed by Regulation 23 of the Jobseeker's Allowance Regulations 1996. This is available via the DWP Website at the following internet address:  
<http://www.dwp.gov.uk/docs/a11-4001.pdf>

The guidance for staff on dealing with claimants who attend appointments early or late is attached in Annex 1.

Annex 1

### **Claimant attends on the correct day but at the wrong time**

1. When a claimant attends on the correct day, but either early or late, record on form ES589 or on LMS 'Conversations' the times of attendance, and their reasons for attending outside their specified time.
2. The claimant may be referred to an adviser to:
  - discuss their reasons for early/late attendance;
  - explain the implications of not attending at the correct time; and
  - either discuss alternative fortnightly attendance arrangements or issue an [ES19 warning letter](#).
3. Make a note of the referral and outcome of the adviser discussion on LMS 'Conversations' or on form ES589.

### **Adviser interviews**

4. If the claimant attends early on the date of the adviser interview, ask them to return at the correct time.

5. If they state they are unable to return at the correct time or they are late:
  - ask them why;
  - note the reason on form ES589; and
  - notify the adviser concerned as this may raise a doubt on another question, for example, availability.
6. If an adviser is not available to conduct an interview at that time, consider issuing form [ES19](#) to the claimant.
7. Do not automatically issue this letter but use it to target persistently early/late attenders.

### ES19 Warning Letter

8. A warning letter (ES19) can be issued to people who, although they attend on the correct day, regularly attend early or late.
9. The ES19 is a written notice issued to the claimant setting out the date and time they are next required to attend the Jobcentre. However, it can only apply to the very next occasion that they are required to attend, regardless of whether this is a Jobsearch review or an adviser interview.
10. If, after being issued with an ES19, the claimant attends early or late on their next due day of attendance, their JSA will be sanctioned unless they can be TaS or show good reason.
11. The ES19 should only be used in exceptional circumstances where all other measures have been tried and failed.

### Action to take when a claimant regularly attends on the correct day but at the wrong time

12. When a claimant persistently attends Jobsearch Reviews on the correct day but at the wrong time:

| Step | Action  |
|------|---|
| 1    | Prepare an ES19 for the claimant setting out the date and time they are next required to attend.<br><b>Note:</b> It is important that the date and time on the ES19 refer to the claimants next required attendance, which will be their next Jobsearch Review or an adviser interview where one is due to take place prior to their next Jobsearch Review. |
| 2    | Issue the ES19 to the claimant. It is preferable that the ES19 is issued by hand however it can also be posted in exceptional circumstances. In a joint claim, a copy of the ES19 should also be handed or posted to the other claimant.  |
| 3    | Record the date of issue and keep a copy of the notice in the Labour Market Unit (LMU). If the ES19 is issued by hand, ask the claimant to acknowledge its receipt by signing the copy.   |
| 4    | Inform the claimant that this is their last opportunity to attend at the specified time and that if they fail to do so as required, their JSA may be affected.  |

**Claimant does not attend at the time specified on the ES19**

If the claimant attends at a time other than that specified on the ES19, normal failure to attend action must be taken. See [Claimant makes contact face-to-face after failing to attend](#) for further information.