

Freedom of Information request 694/2013

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Information request

Today it has been reported that the Government's "Back to Work" Regulations are unlawful and must be quashed.

http://www.publicinterestlawyers.co.uk/news_details.php?id=298

1. Please confirm that people who have been sanctioned by having their jobseeker's allowance withdrawn for non-compliance with the Back to Work Schemes affected will be entitled to reclaim their benefits.
2. Please provide details of what claimants who have been sanctioned in the manner described above must do to reclaim their benefits.
3. Please confirm whether a claimant who fails to attend appointments with his work programme adviser can still be sanctioned for failing to attend.
4. Please provide me with details of the number of claimants that the Department estimates will reclaim benefits because they were sanctioned in the manner outlined above.
5. How much money does the Department estimate will be reclaimed by claimants who were sanctioned in the manner outlined above?

DWP response

The Department is currently considering seeking permission to appeal the Court of Appeal ruling. Claimants who have already served a sanction can appeal their sanction decision on the basis of the Court's ruling but may have to wait until our application for permission, and any subsequent appeal, is dealt with before their appeal can be heard. Similarly, where the claimant has already asked for a reconsideration, no action will be taken until the Department's application for permission, and any subsequent appeal, is dealt with.

Information on appeals can be found in the following leaflet:

www.dwp.gov.uk/docs/gl24.pdf

The schemes affected by the Court of Appeal ruling, including the Work Programme, have now been provided for by new regulations, the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013/276 (the SAPOE Regulations), which means they can continue to operate and claimants can continue to be referred to them.

From Wednesday 20 February claimants will have received a letter clarifying what that scheme involves and the consequences of not participating in that scheme. Following receipt of that letter, failure by a claimant to participate in the scheme, including failure to attend appointments with a Work Programme adviser, could result in a referral to a decision maker to consider applying a sanction.

The Department does not currently hold an estimate of the expected volume or value of appeals against those sanctions.