



Department  
for Work &  
Pensions

# The Impact of Not Sending a Written Notification to JSA Claimants That Have Received a Benefit Sanction

Jan 2014 – Dec 2014

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# Contents

Purpose of this publication..... 3

Results ..... 5

Methodology ..... 5

# Purpose of this publication

In order to claim Jobseekers Allowance (JSA) DWP requires individuals to be actively seeking employment and be available for work in line with the pattern of availability agreed with their adviser. Should claimants fail to take the steps agreed with their adviser - and comprehensively detailed in their Claimant Commitment - their benefit may be subject to a sanction.

Where a doubt is raised concerning a claimant's compliance with the requirements of seeking work or undertaking activities intended to increase the chance of finding employment, whilst claiming benefit, DWP provides the claimant with an opportunity to tell us if there are good reasons why they did not comply.

This may be through the Job Centre, Work Programme provider or through correspondence or conversation with a Decision Maker.

Where a claimant does not provide any information, or insufficient information, to satisfactorily explain the non-compliance, a Decision Maker may then impose the sanction.

It is sometimes the case that the evidence requested from the claimant arrives after the period specified and when this happens the Decision Maker will look again at their decision and decide if this evidence now changes things. If it does, an award review will be carried out and the sanction may be withdrawn. Similarly, claimants sometimes do not respond to our communications and do not take the opportunity to provide evidence until after the sanction has been applied and their benefit has been stopped, suspended or reduced. Again, if evidence is then provided as to why this may not be appropriate, the Decision Maker will review it and may lift the sanction.

Work Programme Providers may also contact DWP after the application of a sanction and provide new evidence that causes that sanction to no longer be deemed appropriate.

The claimant should then be sent a letter to inform them of the decision and of their right of appeal. If they disagree with the decision they can ask for the decision to be reconsidered and, if they still disagree, can appeal the decision.

## The Impact Of Not Sending A Written Notification To JSA Claimants That Have Received A Benefit Sanction

In 2001 the process for issuing notifications was changed, replacing system-generated letters with arrangements whereby staff had to manually trigger a notification.

A small number of cases did not receive that notification. This publication estimates the impact between notifying and not notifying JSA claimants.

The Job Seekers Allowance Payment System (JSAPS) is one of DWP's computer systems where operational colleagues enter details of, among other things a sanction decision.

One of the complicating factors is that DWP's JSAPS records are less complete the further back we go. For Data Protection Act reasons, DWP purges all JSAPS records after a claim is dormant for 14 months.

The analysis in this publication only reports the Calendar year 2014. This is because DWP statisticians judged that this was the most appropriate analysis, for the reasons set out in the methodology below.

# Results

In 2014, over 93% of JSA sanctions were notified to the claimant.

We estimate that 123 more JSA decisions were overturned by those not receiving a written notification than those that did receive the notification.

# Methodology

DWP publish statistics on benefit sanctions on the dissemination tool, Stat-Xplore. <https://stat-xplore.dwp.gov.uk/>

An individual can sometimes receive multiple sanctions during their claim. The published data therefore distinguishes between 'decisions' and 'individuals'.

The publication throughout uses the database JSA sanctions decisions – all decisions made.

An adverse decision is a decision to apply a sanction i.e. a decision found against the claimant.

Decisions can also be classified as 'Cancelled'. A cancelled referral results in no sanction decision being made. This can occur in specific circumstances for example, the sanction referral has been made in error, the claimant stops claiming before they actually committed the sanctionable failure, or information requested by the decision maker was not made available within a specific time period. In this analysis, 'Cancelled decisions' are combined with those categorised as 'Non Adverse' in the published data.

It is important to note that the source data held by DWP analysts to enable them to publish this information only hold the most recent sanction decision; so if an original decision to sanction is later changed in the claimant's favour at, for example mandatory reconsideration, the decision will be recorded, and published originally as an adverse decision, until the date of the mandatory reconsideration. The adverse decision is then removed from the data and a non adverse mandatory reconsideration added.

For example, if a sanction decision is made against a claimant in January 2014, and in March 2014 a mandatory reconsideration decides to overturn that sanction decision, between January and March the date will be recorded, in the published data, as an adverse original decision. After March the original decision will be removed, and a non adverse Mandatory Reconsideration will now be present in the database.

If a subsequent decision falls in a different calendar year – different yearly totals may therefore appear between publications. This is called retrospection. In practice this level of retrospection is very small.

So whenever we wish to calculate the total number of original adverse decisions, we must add up all those original decisions in the data, and add in all cases that also had a decision review, a mandatory review, or appeal.

As detailed above, Decision Makers can and do alter their decisions in light of further evidence that was not available to them at the time. The decision review is used for this purpose. However, the relatively high propensity for decisions to be changed at this review is not related to a claimant requesting this happen. The review function is primarily used when a Decision Maker wishes to amend their original decision.

Where they do not feel that decision should be altered, the claimant will be advised of their right to seek a Mandatory Reconsideration of the decision, and the Award Review facility will not normally be used to record this.

For this reason, for the purposes of evaluating the impact of sending a notification letter, original decisions and reviews should be added together to identify the decision made by DWP prior to notification.

A scan of JSAPS was undertaken in August 2015 to identify those people who had been sanctioned, but had not received a written notification. As previously mentioned, JSAPS cleanses records where the claim has been dormant for 14 months or more, therefore accurate records from this scan will date back to early June 2014, with records prior to that becoming increasingly inaccurate.

This means that any estimates prior to 2014 will be subject to ever increasing amounts of uncertainty, and therefore not fit for purpose.

This scan was then matched, at an individual level, to the data which underpins the published data in DWP's statistical dissemination tool, Stat Xplore. (<https://stat-xplore.dwp.gov.uk/>)

This matching and subsequent analysis was undertaken in August and September 2014. At that date only data to March 2015 was publicly available.

DWP statisticians judged that analysing full years would suggest the best estimate, therefore DWP statisticians had to judge whether to look at calendar year (January to December 2014, or financial year; April 2014 to March 2015).

However as this analysis necessarily tracks sanctions decisions through to appeal, and there is a time lag between the original decision to that appeal, data from January 2015 to March 2015 would skew the estimates, as related appeals would not yet be captured in the published data.

DWP statisticians therefore judged that the small numbers of cleansed data between January 2014 to May 2014 from the JSAPS scan would have less of an impact on the estimates, than missing appeals data for later claims.

**For this reason, DWP statisticians focussed their analysis on the calendar year January 2014 to December 2014.**

In order to estimate the impact of not notifying claimants, the original number of adverse sanctions decisions (those found against the claimant) needs to be calculated.

From the published data, this is done by adding those final decisions that were found initially adverse to all decisions going forward to reconsideration or appeal. This is because only the final decision is registered on the published date.

This merged scan identified that of the 684,895 decisions that were originally adverse, 47,239 (6.9%) were not notified.

Table 1 of the supplementary data published alongside this note details the split between those that were notified and those that were not notified at each stage of the process.

The numbers having a decision overturned at reconsideration or appeal were compared to the total number of adverse decisions (Table 2 in the supplementary tables) suggesting 2.78% of those notified overturned the original decision at some stage, compared to 3.04% of those not notified; a difference of less than 0.3 of a percentage point.



# Contact Points for Further Information

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