

Freedom of Information request 2018/2013

Received 25 March
Published

Information request

I am seeking some information on the number of claimants in Sunderland who have been sanctioned since October 2012 and the number of claimants in Sunderland who have had their Job Seekers Allowance reduced or sanctioned for non compliance in one of the work for your benefit schemes who may be entitled to a refund or benefit following the Court of Appeal decision in February 2013.

I would be very grateful if you could forward this question to a DWP member of staff who could provide this information or advise of the name and e mail address of a member of staff who could help with this information.

DWP response

The latest available sanctions information is for Jobseeker's Allowance (JSA) sanctions and disallowances up to, and including, 21st October 2012 (the last date covered by the previous regulations about JSA sanctions) and can be found at: <http://research.dwp.gov.uk/asd/index.php?page=tabtool>

More information on the new regulations about JSA sanctions, introduced on 22nd of October, can be found at: <http://www.dwp.gov.uk/adviser/updates/jsa-sanction-changes/>

As statistics covering the new system are intended for future publication the information requested is exempt from disclosure under the terms of section 22(1) of the Freedom of Information Act 2000. This provides:

“Information is exempt information if—

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and

(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).”

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.

In this case, the Department’s view is that arguments in favour of the disclosure of the information at this time are outweighed by the public interest in adhering to the existing publication process for official statistics. This is because adhering to that process will ensure that:

- the publication of official information is properly planned and managed;
- there is sufficient time for the data to be collated and properly verified;
- the data are accurate once placed into the public domain;
- the information is available to all members of the public at the same time.

As explained above, these statistics will be published in due course. Information on this publication will be provided on news and announcements link here:

<http://statistics.dwp.gov.uk/asd/index.php?page=news>

With regard to the second part of your request, no claimants who have had their JSA reduced or sanctioned for compliance for a failure to participate in one of the back to work schemes arranged under the Jobseeker's Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011 (“the ESE Regulations”) will be entitled to a refund or benefit as a result of the Court of Appeal decision in the case of Wilson and Reilly in February.

This is because the Jobseekers (Back to Work Schemes) Act 2013 reverses the effect of the Court’s decision. The Act, which came into force on 26 March, treats the ESE Regulations as having been validly made under section 17A of the Jobseekers Act 1995 and says that notices given to persons participating in schemes under those Regulations are to be treated as valid even though they did not meet the degree of detail specified in the Court of Appeal judgment.

It follows that benefit withheld by DWP as result of sanctions imposed under the ESE Regulations will not have to be repaid as a result of either the Court of Appeal’s decision to quash the ESE Regulations or the Court’s decision that there was insufficient detail on sanctions contained in notices sent to persons required to participate in schemes under those Regulations.

