

Freedom of Information request 3306/2013

Received 13 July
Published

Information request

The DWP have recently released figures stating the number of UK citizens found fit for work where no jobs are available, and as a result these UK citizens have been left without benefit and therefore destitute. having no other source of income.

*Please explain how this benefit denial action by the DWP **helps or assists in meeting Article 25 of The Human Rights Charter**, of which the UK is a signatory in respect to a reasonable standard of living and security in unemployment for the above mentioned UK citizens.*

DWP response

To answer your question regarding the human rights charter, please refer to our response to Fol 2844 sent to you on 01/07/2013.

It may be helpful if I explain the role of the Freedom of Information Act. The Act provides a right of access to recorded information held by a public authority like DWP (subject to certain exemptions). The Act does not provide that a public authority must create new information to answer questions; nor does it provide that a public authority give advice, opinion or explanation in relation to issues/policies under question.

In cases where a customer does ask a question, rather than request recorded information, we do our utmost to provide the recorded information that best answers the question. Once the public authority has provided the recorded information, it has met its obligations under the Act; interpretation of the information provided is left to the requestor.

To answer your question, if an individual has applied for Employment and Support Allowance and is found fit for work following a Work Capability Assessment, they may be entitled to claim Jobseeker's Allowance and, depending on the circumstances of their family, other benefits such as Housing Benefit and Council Tax Benefit.

As part of the conditions of entitlement for Jobseeker's Allowance, they must be available for, and actively seeking, work. However, it is recognised that some people, including people leaving an incapacity benefit, may need to limit their availability for work on account of their physical or mental health

condition. Jobseeker's Allowance regulations therefore provide for Jobseekers to restrict their availability for employment, provided they are reasonable in light of their condition (regulation 13(3) of the Jobseeker's Allowance Regulations 1996).

Jobseekers must normally be immediately available for full-time employment but can specify a pattern of availability across a week. 'Full-time employment' is classed as a minimum of 40 hours per week (regulation 6 of the Jobseeker's Allowance Regulations 1996). Those with disabilities or caring responsibilities can be available for less than 40 hours per week.