

Freedom of Information request 2748/2013

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Information request and DWP response

as a Freedom of Information Request can you tell me how many benefit claimants have over the last 12 months been left with no income & refused Income Support whilst awaiting an appeal.

Please can you break it down into different groups, how many were on Jobseekers Allowance, how many had been on Sickness or Disability Benefits etc. Can you also tell me how long they had been on their benefits when they were sanctioned.

I'd be particularly interested to know how many on sickness or disability benefits had their income stopped.

Can you include the claimants circumstances at the time, i.e. length of time on said benefits & if they live alone, with a partner or their parents.

On 19 June you then clarified your request;

How many claimants since 2012 have been left with no income and refused Income Support whilst appealing a decision?

How many claimants awaiting an Incapacity Benefit decision since 2012 were left without income and refused Income Support?

How many claimants awaiting an ESA decision since 2012 were left without income and refused Income Support?

How many JSA Claimants since 2012 were left without income & refused Income Support?

It is my understanding hardship payments are for JSA claimants that have been sanctioned, have I been misinformed?

Normally when a benefit has been disallowed no further payments are made pending any appeal being heard.

The only exception to this is where a claimant is pursuing an appeal against a decision to disallow Employment and Support Allowance on the grounds that they do not have limited capability for work. In such cases, entitlement to

Employment and Support Allowance at the basic rate may continue until the appeal is decided. This entitlement would cease if the claimant ceased to be entitled to Employment and Support Allowance for some other reason, for example, on income grounds, or decided to claim another benefit such as Jobseeker's Allowance.

A similar provision applied to disallowances of Incapacity Benefit or Income Support on grounds that the claimant did not have incapacity for work. In such cases, the claimant could continue to receive Income Support pending the appeal being heard. However, people receiving Incapacity Benefit and Income Support on grounds of sickness are now being medically tested only in the context of re-assessment for transition to Employment and Support Allowance. Personal Capability Assessments, the medical assessments for Incapacity Benefits and Income Support, have not been carried out since December 2010.

If a benefit is disallowed other than on medical grounds, there is no entitlement to the relevant benefit pending determination of the appeal. Income Support is not payable pending appeal except in the circumstances outlined above. This does not of course prevent someone who has been disallowed another benefit qualifying for Income Support if they meet the normal eligibility conditions: for example if they are a lone parent with a young child.

I cannot give precise answers to your questions because in nearly all the scenarios you set out, there would be no question of the appellant either claiming or being refused Income Support. To summarise:

- people whose Employment and Support Allowance has been disallowed will only be refused further payments of Employment and Support Allowance pending appeal if the disallowance was not on grounds of capability for work;
- in cases disallowed, other than on medical grounds, including all Jobseeker's Allowance cases, people receive no further financial support pending appeal, unless they happen to qualify for another benefit under normal rules;
- since December 2010, when Incapacity Benefit medical assessments ceased, Income Support is no longer payable where a person appeals against disallowance of another benefit, except for where the person qualifies for Income Support under normal rules.

You are correct in saying that Jobseeker's Allowance hardship payments may be made in some cases to people whose Jobseeker's Allowance has been sanctioned. Entitlement to such hardship payments is not affected if the claimant appeals.