

# BIRMINGHAM CLAIMANTS' UNION

UNITED WE ARE STRONGER!

## How to Challenge Your Benefit Sanction

The government have a deliberate policy of increasing sanctions to force people off benefits, hitting the most vulnerable hardest. 580,000 sanctions were made from October 2012 to June 2013, often for petty reasons like being a few minutes late for an appointment. There have been lots of press reports of job centre advisers being pressured by their managers to meet targets for referring claimants for sanctions: half of sanctions were held, on appeal, to be unlawful.

**If we all challenge sanctions we can help make this vicious policy unworkable.**

**Challenging a sanction cannot negatively affect your benefit, and it might get you your money back.**

If payment of your benefit has been suspended for more than two weeks and you don't know why and have received no decision, then write a complaint to the DWP office in Birmingham that decides your JSA claim and get help from the Claimants' Union or similar organisation.

**There is a two stage procedure to challenge a sanction:-**

- 1) When you get the sanction notification letter from Jobcentre Plus, write back stating that you want it **reconsidered**. They **MUST** get your letter within one month of the date of their letter. You have to give your reason(s) for disagreeing with their decision, e.g. because it is unreasonable/unfair: see below. Keep a copy and get a free certificate of posting from the post office.
- 2) Jobcentre Plus may ask you for more information, but must eventually send you their written decision, called a *mandatory reconsideration notice*. If you disagree with this decision, then you should **appeal** using form SSCS1 available from the Claimants' Union or CAB etc, or complete and/or download and print it from the internet at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/181311/SSCS1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181311/SSCS1.pdf) . Your *grounds for appeal* are your reasons, and can be the same as you gave at stage (1), but you can add or substitute new reasons. Your appeal **MUST** reach the Appeals Centre within 1 month of the date of the mandatory reconsideration notice, and you must attach a copy of that notice to your appeal. Indicate on the form that you want to attend a hearing of your appeal (because claimants who attend are more likely to win): get advice as soon as you get the hearing date, if not before.

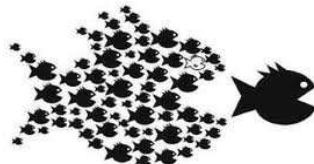
**Your reasons for challenging decisions are basically common sense, e.g.:-**

- The activity you were told to do would not have helped find a job – say why (eg not attending an information session you knew was identical to one you'd already been to).
- You did not apply for a particular job because: you didn't meet its requirements; it was impossible to do due childcare commitments; it was over 90 minutes travel time away; or taking the job would have left you worse off.

- List all you did to look for a job during the time they said you didn't do enough and check this against your Job Seekers Agreement, which tells you what things you agreed to do.
- If you have done the activities you normally do (and have had no different instructions) then mention this. If you have been doing the same things for weeks and this has been acceptable then they should have informed you of any new instructions; otherwise you have a strong case to say you are meeting the job-seeking requirements.
- A “Job Seekers Direction” is a particular type of letter that the jobcentre issues. It means it is compulsory to attend whatever appointment it is telling you about. If you were sanctioned for not complying with a “Direction”, state that you should not have been given it if any of the following apply to you:-
  - you were given it at your first appointment;
  - you had no history of missing appointments when it was given to you; or
  - you were given it by an adviser who did not know your circumstances.
- If you were sanctioned for being a few minutes late for an appointment, say so and give the reasons you were late.

GET ADVICE if you miss the 1 month time limit, or if you don't get a written decision from Jobcentre Plus.

When your JSA is sanctioned, the computers will stop your housing benefit and council tax support: you should reclaim these immediately at a Council Customer Service Centre (called a “nil income” claim). You might be able to get, from Jobcentre Plus, hardship payments, which are paid at a lower rate than JSA: claim at the jobcentre. You might be able to get a meal from a Gurdwara, food from a Food-bank, and/or a Local Welfare Provision grant or Asda card from Birmingham City Council: apply on-line at <http://www.birmingham.gov.uk/LWP> .



**ORGANIZE!**

The Birmingham Claimants' Union helps its members with all of the above. It is run by and for claimants. We are here: to give support to challenge benefit decisions; to share hints and tips about dealing with the jobcentre and Jobcentre Plus; and to pressure them and government into treating us better. We do this by working together. For more information: ask the claimant who gave you this leaflet; attend our next meeting; email or write us at the addresses below; or check out our pages at:

<http://birminghamclaimantsunion.wordpress.com>  
<https://www.facebook.com/BirminghamClaimantsUnion>

**Have your say at our meeting at  
 1PM on the FIRST & THIRD THURSDAYS OF THE MONTH at  
 TUC Centre for the Unemployed,  
 448 STRATFORD ROAD, SPARKHILL, BIRMINGHAM, B11 4AE.**

email: [brumclaimantsunion@gmail.com](mailto:brumclaimantsunion@gmail.com)