

22 April 2016

Dear Anita Bellows

Freedom of Information ref: 2016-IR132

Thank you for your request for an internal review of your Freedom of Information request 2015-5229 which was answered on 8 March 2016.

You asked:

“I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Outcomes of WCA for claimants receiving treatment for cancer by way of chemotherapy or radiotherapy'.

You are saying that the cost of complying with my request in full would exceed the appropriate limit of £600. But I suggested ways of narrowing the request in order not to exceed the cost limit and you have not considered my suggestions.

You also suggested that I should narrow my request by limiting it to those with a relevant primary medical condition. Cancer and neoplasm are fairly interchangeable words, and the exemption in law refers to people with cancer rather than with pleonasm.

But I will rephrase my question:

In this document:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439831/admu2.pdf, under U2025, the Example 4 shows that although a claimant is due to have radiotherapy treatment, the DM determines that she does not have and is not treated as having Limited Capability for Work.

I would like to know:

The number of claimants receiving treatment for cancer/pleonasm by way of chemotherapy or radiotherapy or likely to receive treatment within six months after the date of the LCW determination or recovering from treatment for cancer/pleonasm by way of chemotherapy or radiotherapy who were found to have Limited Capability for Work but not Limited Capability for Work Related Activity and who were placed in the Work Related Activity Group (WRAG)

I would like the latest available figures until the cost limit is reached.”

In your original request you asked:

“In this document:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439831/admu2.pdf, under U2025, the Example 4 shows that although a claimant is due to have radiotherapy treatment, the DM determines that she does not have and is not treated as having Limited Capability for Work.

I would like to know:

The number of claimants receiving treatment for cancer by way of chemotherapy or radiotherapy or likely to receive treatment within six months after the date of the LCW determination or recovering from treatment for cancer by way of chemotherapy or radiotherapy who were not found to have Limited Capability for Work, and therefore were not entitled to ESA

And the number of claimants in the same circumstances who were found to have Limited Capability for Work but not Limited Capability for Work Related Activity

Ideally I would like to have the total numbers from 28 January 2013 when the new rules took effect and including the most recent figures. If it exceeds the cost limit, could you narrow the search to only 2013, or/and 2014, or/and 2015 if the figures are available.”

I am of a senior grade to the person who dealt with your request previously, and can confirm that I have carried out an internal review. I confirm that I have considered your request afresh. In conducting my review, I have discussed the original reply, the handling and the decisions on what can be provided with the officer who drafted it.

I have reviewed the availability of the information you have requested and concluded that the detail required regarding treatment or the likelihood of treatment in relation to radiotherapy and chemotherapy is not routinely recorded on the data available for analysis. Therefore I uphold the decision to withhold the specific information requested under section 12 of the Freedom of Information Act (FOIA) as I believe the time it would take for one person to locate and retrieve the specific information you requested would exceed 3.5 working days (24 hours).

Whilst you did suggest some ways in which your request could be narrowed these were not suitable as they only related to the time frame when it is the actual type of data that cannot be provided within cost.

I am also satisfied that you were given suitable advice in how to narrow your request under section 16 of the FOIA; primary medical condition is recorded on the data available for analysis as noted in the original response.

Therefore I agree that this exemption was applied correctly at the time of request and obligations under section 16 have been met, and uphold the original response.

With regard to your rephrased question, the issue remains that data on those “receiving treatment for cancer/neoplasm by way of chemotherapy or radiotherapy or likely to receive

treatment within six months after the date of the LCW determination or recovering from treatment for cancer/neoplasm by way of chemotherapy or radiotherapy” cannot be provided within cost.

Therefore under section 12 of the Freedom of Information Act (FOIA) the Department is not obliged to comply with your request and we will not be processing your request further and the advice provided under section 16 also remains the same as that previously provided:

You might like to narrow your request by limiting the request to those with a relevant primary medical condition. Examples of primary medical conditions for Employment and Support Allowance can be found on the Departments tabulation tool here: <https://www.gov.uk/government/collections/dwp-statistics-tabulation-tool>, you should include IB ICD (disease) code in your selections.

We will consider afresh any revised request however we cannot guarantee that any revised request will fall within the cost limit.

If you have any queries about this letter please contact us quoting the reference number above.

Yours sincerely,

DWP Central Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwp.gsi.gov.uk or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner’s Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF <https://ico.org.uk/>