

Department for Work and Pensions (DWP)
Central Freedom of Information Team

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX@xxx.xxx.gov.uk

Our reference: VTR 1416

Date: 21 May 2015

Dear Alf Denning

Thank you for your Freedom of Information request received on 1 April 2015.
You asked

I have become aware that a number of people allocated to the ESA Support Group ("SG") have been told in writing that they must attend a JCP office and bring passport and bank details with them. I further understand that they have been told that if they do not comply they are putting their benefits at risk. It seems that only those that were able to call the JCP were then told that the required information could be supplied by post.

Please provide the following information:

Q1. Which organisation(s) within the DWP are authorised to demand such information as described above from ESA claimants in the SG? It is my understanding that administrative checks of this nature fall within the scope of performance management officers. The only other organisation I can think of that might reasonably need such information is the fraud and error service.

Q2. If these requests emanate from parts of the DWP other than those covered by Q1 please provide me with any information held covering the purpose of such requests and why it is appropriate under the Data Protection Act 1998.

Q3. Guidance on how people in the ESA SG should be dealt with during this process given they suffer from serious health conditions and any mishandling could result in them suffering harm.

Q4. Guidance on how people are selected to be asked to provide the requested information.

Q5. Is failing to inform people voluntarily that they can supply the requested information by post compatible with standard DWP Operating Processes and does it comply with its Public Sector Equality Duty?

It may be helpful if I start by clarifying the remit of the Freedom of Information Act. The Act gives any person legal right of access to any and all recorded information which is held by a public authority. The Act does not require the Department to provide opinions or explanations, generate answers to questions, or create or obtain information it does not hold. In cases where a

person asks a question, rather than requests 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.

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 or confirmed that no such recorded information is held, it has met its obligations under the Act.

I have attached a link to the Decision Makers Guide, Volumes 8 and 9 relate to Employment and Support Allowance.

<https://www.gov.uk/government/publications/decision-makers-guide-vols-8-and-9-employment-and-support-allowance-staff-guide>

In respect of your first statement the department issued in error some letters using an incorrect template, this was around November and December 2014. Once this error was realised the letters were withdrawn and the customers affected were contacted with an apology letter. Unfortunately we do not know the number of incorrect letters issued and the incorrect letters were destroyed.

If you have any queries about this letter please contact me 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@dwpgsi.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
www.ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745