

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk)

Date: 8 September 2015

FOI ref: 3223

Dear Mr McMorrow,

Thank you for your Freedom of Information request received on 1<sup>st</sup> August 2015. You asked:

“How many appeals have the DWP launched when unhappy with the result?  
How much have these appeals cost?”

I wrote to you on 7<sup>th</sup> August to say that I could not proceed with your request without clarification of the information you seek since it was too broad in nature and needed to be refined to ensure it does not exceed the disproportionate cost limit. Unfortunately your reply is still too broad to be met within the cost threshold. Your reply to this request for clarification is contained as an Annex.

We estimate that the cost of complying with your request would **exceed the appropriate limit for central Government, set by regulations at £600**. This represents the estimated cost of one person spending 3½ working days in determining whether the Department holds the information, and locating, retrieving and extracting it.

Under section 12 of the Freedom of Information Act the Department is not **therefore** obliged to comply with your request and we will not be processing it further.

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 me quoting the reference number above.

Yours sincerely,

DWP Strategy Freedom of Information Focal Point

## **Annex – clarification of request**

Dear DWP Strategy Freedom of Information,

I asked "How many appeals have the DWP launched when unhappy with the result? How much have these appeals cost?"

Question 1 - Do you mean appeals against decisions on all benefits/schemes administered by DWP or just some? If some – which benefits/schemes?

My request seemed quite simple, I asked for appeals the DWP have launched. Nothing to do with benefit claimants. For example my understanding is the DWP was ruled against by ICO/Disability News Service and forced to publish benefit related deaths. The DWP launched an appeal to overturn this ruling.

Question 2 - What period of time do you want this information for? A start and end date would be useful.

Again I was not after a specified time frame, however the last six financial years?

Question 3 - DWP can appeal against a decision of the First-tier Tribunal (FtT) to the Upper Tribunal. Is this the type of appeal you are seeking information on? Subsequent appeals can be made to the Court of Appeal and Supreme Court. Please let me know what type of appeals you are seeking information on.

Again I've asked for appeals. If payment is made at any point I'm interested.

Question 4 - Appealing against a FtT decision is a two (sometimes 3) stage process. To appeal to FtT you have to apply for leave first (to FtT and if unsuccessful there, to UT). Then actually launch your appeal. Can you clarify which parts of the process you want information about.

I'm interested in the cost of appeals not the process or the legal outcome just the amount of public money that has been used.

Yours sincerely,  
Daniel McMorrow

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## **Your right to complain under the Freedom of Information Act**

If you are not happy with this response you can ask for an internal review by e-mailing [freedom-of-information-request@dwpgsi.gov.uk](mailto:freedom-of-information-request@dwpgsi.gov.uk) or by writing to DWP, Central FoI Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be sent within two months of the date of this letter.

If you are not content with the outcome of an internal review you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally the ICO cannot make a decision unless you have exhausted our own complaints procedure. The ICO can be contacted at: Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF [ico.org.uk/Global/contact\\_us](http://ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745