



Department
for Work &
Pensions

DWP Central Freedom of
Information Team
Caxton House
6-12 Tothill Street
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SW1H 9NA

Paul Pinder
request-926350-88a448bd@whatdotheyknow.com

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

[DWP Website](#)

Our Ref: FOI2022/97453

20 December 2022

Dear Paul Pinder,

Thank you for your Freedom of Information (Fol) request received on 6 December. You wrote:

“May I request figures for last 24 months in respect of deprivation of Capital judgements which have been appealed and upheld by judicial review”

DWP Response

We can confirm that we hold information falling within the description specified in your request. However, we have estimated that the cost of meeting your request would exceed the cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This represents the estimated cost of one person spending 3½ working days (equivalent to 24 staff-hours) in determining whether the Department holds the information, and locating, retrieving and extracting it.

Under Section 12 of the Fol Act the Department is not therefore obliged to comply with your request and we will not be processing it further. The Department is unable to provide any of the information you seek within the appropriate cost limit as you have asked for information on deprivation of capital judgement decisions.

Decision types are not stored at such a granular level on our records that would identify the deprivation of capital cases. The lowest relevant level of detail in the data is the category “overpayment – capital”. This would contain deprivation of capital cases, but would be a broader summary of any UC decision relating to capital. A capital appeal will also include cases where DWP treats money as capital, ownership of the money or the subsequent calculation. Deprivation is when DWP decides that the claimant has deprived themselves of the money for the purposes of claiming benefit so would not be relevant in all cases.

To isolate deprivation of capital judgement decisions would require us to manually search individual records. Although theoretically possible it is estimated that this would incur disproportionate cost.

Under Section 16 of the Fol Act we should help you narrow your request so that it may fall beneath the cost limit. In this instance, the lowest level of data we would be able to provide would not help to answer your question, so we are not able to provide adequate advice on how you can narrow your request to a point where you might reasonably be expected to

receive a response. We are sorry that we are not able to provide more specific advice under Section 16 of the Fol Act.

We will consider afresh any revised request however we cannot guarantee that any revised request will fall within the cost limit as each Fol request is judged on its own merits.

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

Yours sincerely,

DWP Central Freedom of Information Team
Department for Work and Pensions

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@dw.gov.uk or by writing to: DWP Central Fol Team, Caxton House, 6-12 Tothill Street, London, 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.

Website: [ICO FOI and EIR complaints](#) or telephone 0303 123 1113.