



Department
for Work &
Pensions

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Rees T.
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Our Ref: IR451

Date: 25 September 2018

Dear Ms Rees,

Thank you for your Freedom of Information (FoI) internal review request received on 25 August 2018. I am sorry for the delay in replying.

You asked:

"I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Complaints received regarding SMI benefit removal'.

Thank you for your reply.

The way in which you replied has given rise to further check being required, unless you would like a separate FOI request, but I don't see that makes much sense, so an Internal Review should be carried out by an independent and more senior person, who is more experienced.

I don't believe the response to be accurate.

I do believe you would hold the information that you have omitted, so let's try again.

Find the number of SMI claimants that had their SMI benefit removed, of all ages and tell me how many total complaints, include written and telephone. This should not exceed monetary allowance, duration, because you have a duty to log all complaints and report all complaints, for auditing and overseeing bodies.

Include before SMI benefit was removed, where claimant tried to stop you removing it as well as since, when asked to have it reinstated or extended or merely complained about your wrongdoing.

To make easier for you and because I am concerned you may pick out a word (such as 'due') when I meant it in the context of any, whether happened, happening or in process, or aware there will be - Court action -

and by any person that was previously in receipt of SMI benefit, that had their benefit removed or if deemed 'vulnerable' or has a representative will lose their SMI benefit (by November 2018, think the cut off is) because Court matters aren't simply one date. DWP would become aware

and protocol takes place, then hearing, appeals, higher Courts etc - so non exhaustive, when I asked how many Court cases and meant by persons who had lost their SMI benefit. To clarify by my request, I was asking about any - that would include any person who lost their SMI benefit, regardless of signing up for SMI as a loan or not, that was using the Court process in any case, to include all angles. (examples that could be on Discrimination grounds or Human Rights grounds, on Public Law or Judicial Review any level of Court at all, include higher Tribunal, High Court, Supreme Court, any)!

You would have a list of SMI claimants as otherwise you wouldn't have been contacting them. Whether SERCO or DWP ended up being the recipient - due to confusion by claimant. You also wrongly had a drop in numbers (your own stats) of SMI claimants, originally 120,000 that varied down to 90,000 for which approx. 30,000 ended up (so you said) on the 'wrong system' - so you will need to check all!

In summary you can't merely say 9 Pension Age (out of overall SMI claimants) and you don't have working age number of complaints. I call for senior, who knows what they are doing to complete the missing information in this FOI request.

I believe there are one or two Court cases (including protocol, but action) already in progress, by persons who lost their SMI benefit back in April, it doesn't matter which basis or argument as mentioned above, that they are using - you will be aware it is an SMI claimant taking the action and that is what I asked and meant in the original FOI.

Hope this helps clarify and that you will now review the answer you previously gave and give me the full facts please.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.whatdotheyknow.com/request/complaints_received_regarding_sm"

DWP Response

In response to your request, I can confirm that the handling of your original request and response has now been appropriately reviewed by someone unconnected with the handling of your original request.

As a result of this review I am satisfied that the original response was handled properly and that the outcome of your request was correct. The reasoning behind this decision is that your request asked about formal complaints of which the response given was correct because only formal complaints are recorded and logged.

In addition to this, the response to your question with regards to court cases regarding the removal of SMI was also correct.

In your clarification you have asked a new question as to how many court cases we have with any relevance to SMI. Rather than deal with that separately we have chosen to respond to your new request here also. There are currently two cases in where the Department has received pre-action letters, but have not issued. There is one further case currently seeking leave to appeal to the Supreme Court, and three other claimants seeking permission for judicial review the repayment requirements for SMI.

If you have any queries about this letter please contact the Department 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 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.gov.uk