

DWP Central Freedom of Information Team

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

Our Ref: VTR IR608

DATE: 15 December 2015

Dear Mr Millward,

I am writing in response to your review request received on 26 October 2015. An internal review has been appropriately carried out by someone unconnected with the handling of your original request. I am now in a position to respond to you. In your review request you said:

*"It is my belief that the public interest outweighs the continuing with holding of the information, on the grounds that claimants with a mental health condition and the wider public have a right to know that taxpayers money is being used efficiently, that the pilot itself is fit for purpose and what if any, mental health specialists will be consulted with in providing the formulation of the pilot.*

*There is ample case law which supports the disclosure of the requested information;*

*DfES v Information Commissioner & the Evening Standard (EA/2006/0006, 19 February 2007). DWP v Information Commissioner (EA/2006/0040, 5 March 2007) Makin v Information Commissioner (EA/2010/0080, 5 January 2012) DWP v Information Commissioner (EA/2006/0040, 5 March 2007) Cabinet Office v Information Commissioner & Aitchison (EA/2011/0263, 15 October 2012) OGC v Information Commissioner & the Attorney General [2008] EWHC 737 (Admin).*

*It should be noted, that anything labelled a 'pilot scheme' is not automatically covered by S35. It is a decision on the facts of each case and there will be limits. Some schemes may more accurately be seen as implementation of an initial policy decision, even if the government intends to review the scheme after a short time, or is making regular adjustments to the details as it goes. If a decision has been made to roll a scheme out indefinitely, or it will apply across the board (even for a relatively short period of time), it is more likely that a provisional policy decision has been made and the scheme is implementing that decision."*

*Original questions:*

*2) If the answer to 1) is yes, when will the pilot take place?*

*3) If the answer to 1) is yes, how will the pilot be conducted?*

As a result of this review I am satisfied that the original response was handled properly and can advise that I find the original decision to be partly correct. Your request for review is therefore partially upheld. The reasoning behind this decision is as follows that the response

stated the Department held the information you requested but was unable to provide it at that time. However on review I have established that the information you have requested is not held as the pilot is still in the process of being developed, therefore the start date and how it will be conducted has not yet been determined.

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

Yours sincerely,

DWP Strategy FoI Team

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**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](http://www.ico.gov.uk)