

**Department for Work and Pensions (DWP)
Policy Group Freedom of Information Team**

freedom-of-information-request@dwp.gsi.gov.uk

Our reference: FOI2018/02986 and IR05615

Date: 2 November 2018

Dear Nigel Nelson,

Thank you for your Freedom of Information request received on 2 September. Please accept our apologies for the delay in replying. You asked:

There is a real chance that the U.K. will leave the EU on 29th March 2019, with there being a “No Deal” Brexit. I am not asking you to comment on this.

If the U.K. does leave the EU on 29th March 2019 with no deal being struck, the U.K. Government is no longer legally obliged to continue uprating the UK State Pension for the nearly half a million U.K. pensioners living in EEA countries. If this were to happen, it is entirely possible that many of these U.K. pensioners will have to return to the U.K. because they will no longer be able to afford living in their EEA country of choice. The FOI question that I have is this:

“Has the DWP carried out (or have they been involved in with the Department for Exiting the European Union) any studies that estimate the cost to the U.K. (in terms of housing, healthcare and other social welfare benefits) of significant numbers of returning U.K. pensioners as a result of Brexit, taking into account that the older the returning UK pensioner, the higher the cost is likely to be”.

DWP Response:

The UK government are committed to negotiating a deal for the UK when it leaves the EU in March 2019. However, as a responsible government, work continues to prepare proportionately for all scenarios, including for if we leave the EU without any deal in March 2019. This includes work that we have carried out to understand the impact of potential returning UK nationals.

I confirm that the information you seek is held by the Department. However it engages an exemption from disclosure because it relates to the formulation or development of government policy – sections 27(1)(a) and 35(1)(a) of the Freedom of Information Act. This exemption protects the private space within which Ministers and their policy advisers can develop policies without the risk of premature disclosure.

As required by the Act, I have also assessed the public interest for and against disclosure. There is a public interest in greater transparency which makes government more accountable to the electorate and increases trust. There is also a public interest in being able to assess the quality of advice being given to ministers and subsequent decision making.

However, good government depends on good decision-making and this needs to be based on the best advice available and a full consideration of all the options without fear of premature disclosure. If this public interest cannot be protected there is a risk that decision-making will become poorer and will be recorded inadequately

On balance, DWP is satisfied that in this instance the public interest in maintaining the exemption outweighs the public interest in disclosure. Therefore, the information you seek will not be released.

For clarification purposes we are also providing information that is outside of your specific request that relates to State Pension. The European Union (Withdrawal) Act 2018 will convert EU law as it stands at the moment of exit into domestic legislation. This means that there will continue to be a legal requirement to up-rate State Pensions in EU countries.

And on 9th October you asked:

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Cost to U.K. Treasury if Pensioners return in significant numbers' (FOI2018/02986).

A response to this request was due by 29th September, but I still have not received a response (9th October).

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 can advise that I find the original decision was late in being sent to you. This was due to administrative process failures and that as a result of this case we are reviewing our handling procedures. Your request for review is therefore upheld.

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

Yours sincerely,

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 FoI 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