

Dear David Cafferky,

Thank you for your Freedom of Information and Internal Review requests received on 15 April & 5 May 2020.

FOI2020/18588 You asked for –

“In response to your message on the 14.04.2020 I can confirm I would like the information in regards to the following:

Universal Credit Live Service

LCWRA (including reconsiderations)

PIP

JSA

ESA”

IR2020/21856 You said –

“Unfortunately the deadline has been missed and your response, by law, should have been received by now.

Please advise a time frame for when I can expect the requested information.”

DWP Response

Please accept our apologies for the delay in responding to your original Freedom of Information request(s) and your subsequent request for an Internal Review. You can normally expect a response to your FOI request within 20 working days. However, due to the current Covid-19 situation we are focusing resources on frontline high-priority areas and are responding to FOI requests as soon as we are able to do so.

Your question above referred back to FOI2020/16527 dated 14th April 2020 where you asked:

- 1) total active claim numbers per month for the last 6 calendar years + current*
- 2) Number of new claims received per month for last 6 calendar years + current*
- 3) Number of reconsiderations requested per month for last 6 calendar years + current*
- 4) Average number of days for reconsideration resolution per annum for last 6 calendar years + current*
- 5) Number of complaints received per annum in reference to delays in reconsideration for last 6 calendar years + current*
- 6) Number of complaints upheld per annum in reference to delays in reconsideration for last 6 calendar years + current*
- 7) Total resource (i.e. staff, including on-costs) budget per annum for reconsiderations for last 6 financial years + current*
- 8) Total number of officers capable of dealing with reconsiderations within the DWP*

9) All Key Performance Indicators for reconsiderations (number of recons, number per officer, time they take to complete)

10) Percentage of reconsiderations that are upheld / over-turned in appeal

11) Current Top 10 reasons for reconsiderations to be overturned via appeal

If any measures requested above are not currently gathered, please advise of the closest similar measurement that is gathered by DWP. If there is no measure in place at all, I would be interested to know why this is and how the DWP knows where it is and where it is going without such a measure in place.

I can confirm that the Department does hold some information relating to 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 Freedom of Information Act the Department is not therefore obliged to comply with your request and we will not be processing it further.

Under section 16 of the Act we should help you narrow your request so that it may fall beneath the cost limit.

Section 21 of the Freedom of Information Act allows us to direct you to information which is already reasonably accessible to you. Once you have reviewed this material you may want to refine your request.

For Q.1 – Information on caseload is available on Stat-Xplore:

<https://stat-xplore.dwp.gov.uk/webapi/jsf/login.xhtml>

Guidance on use of Stat-Xplore is available here:

<https://stat-xplore.dwp.gov.uk/webapi/online-help/index.html>

Stat-Xplore holds data of the type requested, though for some benefits this is quarterly data rather than monthly. Universal Credit (UC) data can be split by conditionality from April 2015 onwards, but no Live Service / Full Service split is available.

For Q.2 – Information on new claims is also available on Stat-Xplore for UC and Personal Independence Payment (PIP). For Employment and Support Allowance (ESA) data is available on Stat-Xplore for Work Capability Assessments (WCA) by claim start date.

For Job Seekers Allowance (JSA) on-flows (rather than new claims) data is published by ONS on NOMIS: <https://www.nomisweb.co.uk/datasets/uf>

For Q.3 – Data on PIP and ESA WCA Mandatory Reconsideration (MR) registrations is available on Stat-Xplore.

For Q.4 – Data on ESA WCA MR clearance times is available on Stat-Xplore, and data for PIP MR clearance times is available in the published data tables (table 4a) available here:

<https://www.gov.uk/government/statistics/personal-independence-payment-april-2013-to-april-2020>

For Q.3 & Q.4 – For UC and JSA the Department hold some information on reconsideration volumes and clearance times which could be released in response to a question which falls within the costs limits. The UC data cannot be broken down by conditionality, and the Live Service data may be limited.

For Q.5 & Q.6 – While information on complaints is held, summarising it by nature of complaint and outcome would exceed the cost limits. We would suggest requesting a shorter time period and/or single benefit however we cannot guarantee that any revised request will fall within the cost limit.

For Q.7 & Q.8 – The Department does not hold information fitting this description.

With respect to Q.9 – There has never been a target for upholding or overturning original decisions at MR. The outcome is determined on the merits of the application. Equally there is not a target for MRs to be cleared. The focus is on making sure that the decision under dispute is thoroughly reviewed not on how long it takes to review it. For all benefits, resource levels dedicated to the clearance of MRs are regularly reviewed with redeployment undertaken to support reduced clearance times. For UC, where possible, we aim to make MR decisions within the same Assessment Period as they are requested, but the focus is on making sure that the decision under dispute is thoroughly reviewed not on how long it takes to review it.

For Q.10 – Some related information may be found in the regular publications and associated data tables for PIP, ESA WCA and appeals (published by the Ministry of Justice):

<https://www.gov.uk/government/statistics/personal-independence-payment-april-2013-to-april-2020>

<https://www.gov.uk/government/statistics/esa-outcomes-of-work-capability-assessments-including-mandatory-reconsiderations-and-appeals-june-2020>

<https://www.gov.uk/government/collections/tribunals-statistics>

For Q.11 – We would be able to supply information within the cost limit on reasons PIP decisions are overturned at a tribunal hearing. This information is taken from Tribunal Decision Notices and recorded on the PIP computer system. This data only provides one reason per appeal why decisions by DWP decision makers have been overturned by the Tribunal, and therefore may not give the full story as there may be other reasons. For other benefits, although Decision Notices are received they are not processed in a comparable way and any attempt to summarise information would be resource intensive. We are unable to advise how this information could be provided within the cost limit.

A pilot study was undertaken in 2012 to look into the reasons behind Tribunal decisions. The report linked below considered a census of cases heard between 9 July 2012 and 31 October 2012 where the DWP decisions were overturned by the Tribunal. Therefore, findings based on this data are broadly representative of appeals allowed over the said period, but may not be representative of all appeals allowed since then:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/223139/sscs_appeals.pdf

With respect to your final point about the use or absence of measures, the Freedom of Information Act gives you a legal right of access to any **recorded information** held by a public authority. We do not have to provide opinions or explanations, generate answers to questions, or create or obtain information we do not hold. If you ask a question, rather than requesting recorded information, we will provide you with the recorded information that best answers the question. Once we have provided the recorded information, we have met our obligations under the Act; interpreting the information provided is up to you.

Once you have reviewed this material you may want to refine your request. We will consider afresh any revised request however we cannot guarantee that any revised request will fall within the cost limit.

We apologise and acknowledge that in this instance we have not met our obligation as required under section 10(1) of the Freedom of Information Act as we did not provide a response within 20 working days.

You can normally expect a response to your FOI request within 20 working days however, due to the current situation with Covid-19 it has not been possible for us to reply to you within this timeframe.

We are sure you can understand how we are prioritising the Department's staffing resources to meet the need to support the vulnerable and how prioritising will temporarily impact on other areas of work – As a result of this review I can advise that your complaint is therefore upheld.

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

Yours sincerely,
Policy Group FOI Team
Department for Work and Pensions

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
Web: ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745