



Ministry of Justice

Ms Gillian Moss

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Our Reference: FOI-Jan-15-005 (95536)

6th February 2015

Freedom of Information Request

Dear Ms Moss,

Thank you for your email of 19th January 2015, in which you asked for the following information from the Ministry of Justice (MoJ):

- “1. The number of people each year since 2010 who have submitted LPA forms to be registered with the OPG.***
- 2. What percentage of these people each year from 2010 who have submitted LPA forms made errors that meant their LPA could not be registered with the OPG as the donor had intended. This includes people who make errors on any part of the form and are informed that either the LPA can be accepted with fewer than the intended number of attorneys or cannot be accepted at all.***
- 3. Can you distinguish for each year since 2010 between these 2 figures, i.e. those LPAs that cannot be accepted at all and those LPAs that can ...Please tell me these figures each year since 2010”***

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

I can confirm that the department holds some of the information that you have asked for, I am pleased to provide some of this to you.

In regards to question one, I am able to provide LPA received figures from our case management system from 1st January 2010 to 31 December 2014 in the table below.

Year	LPAs received
2010	161,879
2011	191,839
2012	228,235

2013	273,588
2014	360,704
Total	1,216,245

For question two we are unable to produce a figure relating to errors made on LPA forms, and instances where a fewer number of attorney's are required. This is because data available via our central recorded database does not provide sufficient detail. In total from 1 January 2010 to 31 December 2014 there were 221,874 applications classed as either 'imperfect' or 'rejected'. To obtain this figure all 221,874 applications would need to be checked. Each of the forms would take approximately 5 minutes to check, which equates to 18,489.50 hours of staff time and would cost £462,238. This question would therefore be exempt from disclosure under Section 12 of the FOIA as the law allows us to decline to answer FOIA requests when we estimate it would cost us more than £600 (equivalent to 3½ working days' worth of work, calculated at £25 per hour) to identify, locate, extract, and then provide the information that has been asked for.

You can find out more about Section 12(1) by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter.

You can also find more information by reading the full text of the Act (available at <http://www.legislation.gov.uk/ukpga/2000/36/contents>).

In relation to question three I am pleased to provide you with the following table which details the number of LPA applications received per year and the amount of those which were classed as 'imperfect' or 'rejected'. Although this does not differentiate between 'errors' made on the form, instances where fewer attorney's are required, and other reasons why a form might be defined as 'imperfect', it is the most relevant data that we are able to provide within the cost limit (mentioned above).

Year	LPAs received	Imperfect LPAs	% Imperfect	Rejected LPAs	% Rejected
2010	161,879	28,951	17.88%	6,396	3.95%
2011	191,839	39,299	20.49%	7,526	3.92%
2012	228,235	31,916	13.98%	8,782	3.85%
2013	273,588	34,245	12.52%	9,260	3.38%
2014	360,704	45,343	12.57%	10,156	2.82%
Total	1,216,245	179,754	14.78%	42,120	3.46%

Please note the percentages in these tables are not cumulative, as some applications could have been initially classed as 'imperfect' and then 'rejected', therefore this figure may include a case that has cross over into both categories

I have also clarified the difference between 'imperfect' and 'rejected' applications below to assist you:

Imperfect – This includes applications that have an error on any part of the LP2 form which mean that the LPA cannot be registered as it is, but could still be registered if the necessary amendments were made. Those amendments may not necessarily mean that the LPA must be registered with fewer attorneys than the donor had intended, although all cases where that happened will be included. We would not be able to specifically identify the number of cases where fewer attorneys were registered without checking all of the 179,754 Imperfect cases, with a time of at approx 5 minutes per case, therefore 14,179 hours in total.

Rejected – This includes all applications that cannot be accepted at all as stated by the requestor, although some of the applications may have fallen into the Imperfect category before they were rejected.

I am sorry that we have not been able to provide the level of detail that you have requested, however we hope that the information we have been able to provide to you, is useful. You have the right to appeal our decision if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

Disclosure Log

You can also view information that the Ministry of Justice has disclosed in response to previous Freedom of Information requests. Responses are anonymised and published on our on-line disclosure log which can be found on the MoJ website:

<https://www.gov.uk/government/organisations/ministry-of-justice/series/freedom-of-information-disclosure-log>

Yours sincerely

Hannah Scarr
Knowledge & Information Liaison Officer
Office of the Public Guardian

How to Appeal

Internal Review

If you are not satisfied with this response, you have the right to an internal review. The handling of your request will be looked at by someone who was not responsible for the original case, and they will make a decision as to whether we answered your request correctly.

If you would like to request a review, please write or send an email **within two months of the date of this letter** to the Data Access and Compliance Unit at the following address:

Data Access and Compliance Unit (10.34),
Information & Communications Directorate,
Ministry of Justice,
102 Petty France,
London
SW1H 9AJ

E-mail: data.access@justice.gsi.gov.uk

Information Commissioner's Office

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF
Internet address: <http://www.ico.org.uk/>

ADDITIONAL INFORMATION ABOUT SECTION 12(1)

We have provided below additional information about Section 12 of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful.

The legislation

Section 1: Right of Access to information held by public authorities

- (1) Any person making a request for information to a public authority is entitled—
- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him.

Section 12: Cost of compliance exceeds appropriate limit

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.
- (3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.
- (4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—
- (a) by one person, or
 - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

- (5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

Guidance

The appropriate limit

The 'appropriate limit', for the purposes of section 12 of the Freedom of Information Act has been set at:

- £600 for central government and Parliament.
- The hourly rate is set at £25 per person per hour.

The following activities may be taken into account when public authorities are estimating whether the appropriate limit has been exceeded.

- determining whether it holds the information requested
- locating the information or documents containing the information
- retrieving such information or documents
- extracting the information from the document containing it.