

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: VTR IR 472

DATE: 10 June 2013

Dear Alf Denning,

I am writing in response to your review request received by the Department on 30 May 2013. An internal review has been carried out by someone of a senior grade. I am now in a position to respond to you. In your review request you said:

I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'ESA – Mandatory Reconsideration'.

If the DWP has always reconsidered its decision prior to passing the appeal to MH Courts and Tribunals Service then why is Mandatory Reconsideration being introduced as on the face of it it appears that it is introducing something that already exists and has been operational for some time?

I would be grateful if you could explain the difference between what currently happens regarding the DWP reconsidering its decision and what will happen when Mandatory Reconsideration is introduced.

After reviewing the original response and after careful consideration the Department believes that it has met its obligations under the Freedom of Information Act in relation to your request. Turning to the additional question you have asked above, I should like to provide the following:

Further information on why the changes are being introduced is available in the consultation document published in February 2012. You can access this document at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/176978/mandatory-consideration-consultation.pdf.

The key difference is that mandatory reconsideration introduces a linear, escalating process for disputing a decision. The mandatory reconsideration process is intended to ensure that claimants make an informed, positive choice to appeal having received an explanation of the disputed decision and the opportunity to provide additional information or evidence before the Department has conducted a thorough review.

The current process means that claimants have already appealed before the Department considers revising the decision, so the claimant would need to choose to withdraw their appeal even if a satisfactory explanation for the decision was given.

Further details are also included in the mandatory reconsideration consultation document which can be accessed through the link above.

If you have any queries about this letter please contact me 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 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 Fol 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.gov.uk