



John Slater  
By email

10 November 2015  
Fol IR 587

Dear John Slater,

Thank you for your Freedom of Information request received on 19 October 2015.  
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 'ESA Mandatory Reconsideration - Operational Data'.*

*Thank you for the response and the links to the statistics published by the DWP.*

*Sadly the data related to the links is not the information I requested. Therefore, as the DWP hasn't cited one of the statutory exemptions its response is not compliant with the FOIA.*

*The DWP will be aware that the Commissioner requires public authorities to provide a substantive response within 40 working days from receipt of the request for information (i.e. supply the information or issue a compliant refusal). This time period includes dealing with Internal Review Requests. Therefore, unless the DWP issues a compliant response within the 40 working day deadline I will complain to the Commissioner*

The review was conducted by an independent official of the Department, of the relevant grade and authority to carry out such requests. The case has been examined afresh, and guidance has been sought from domain experts to ensure all factors were taken fully into account.

After consideration, I have concluded that the original decision should be upheld.

In your original request you asked for:

*RFI1: Please disclose the data that the DWP has been collection for ESA mandatory reconsiderations since October 2013.*

*If the DWP still intends to engage S.22 please:*

*RFI2.1: provide an approximate date when it intends to publish the data (e.g. 4th quarter 2015).*

*RFI2.2: confirm that it has settled on the data it intends to publish (i.e. decided which data will be disclosed, redacted or withheld).*

We provided published information concerning ESA Mandatory Reconsiderations and a statement explaining our future publication policy.

DWP statisticians are working to complete a full and detailed check of the whole production of the routine ESA/Work Capability Assessments statistical series, and produce statistics for the entire ESA process, including Mandatory Reconsiderations. This was stated in the publication, and the latest available publication is here:

<https://www.gov.uk/government/statistics/esa-outcomes-of-work-capability-assessments-claims-made-to-dec-2014-and-appeals-to-jun-2015>

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

Yours

DWP Strategy Fol Team

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#### **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-requexx@xxx.xxx.xxv.uk](mailto:freedom-of-information-requexx@xxx.xxx.xxv.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.org.uk/Global/contact\\_us](http://www.ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745