



Department  
for Work &  
Pensions

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[DWP Website](#)

Our Ref: IR2024/00791

25 January 2024

Dear Rachel Service,

Thank you for your Freedom of Information (Fol) internal review request received on 5 January. relating to FOI2023/93487. You wrote:

"I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Guidance on closing ESA claims'.

Following my response to the initial answer, it was brought to my attention that the DWP have previously released 'Claimant journey overview and no claim scenarios: Move to UC (managed Migration)'. In my opinion this clearly answers the question I asked and should have been given in response to the FOI. However, the version of that document available refers to an automatic deadline extension and staff making attempts to contact claimants as standard practise as part of the Managed Migration process. I believe that this no longer happens and so the document is out of date. Presumably this document has been replaced by guidance more appropriate for the current Managed Migration process and this should have been provided in response to my question. Please provide this document.

Additionally, the document 'identifying enhanced support needs for Move to Universal Credit' clearly answers my question and I am not sure why it was not provided."

## **DWP Response**

In response to your internal review request, we 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 your complaint is partially upheld. We previously stated we do not hold the information you have requested; upon further investigation we have been able to identify the requested documents within our records.

However, we are engaging an exemption from disclosure because it relates to the formulation or development of government policy – Section 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 FoI Act the use of this qualified exemption requires the public interest for and against disclosure to be assessed. 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.

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

Yours sincerely,

Central FoI Team  
Department for Work and Pensions

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### **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 FOI and EIR complaints](#) or telephone 0303 123 1113