

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwp.gov.uk](mailto:freedom-of-information-request@dwp.gov.uk)

Our Ref: FOI 2019/13889  
FOI 2019/14203  
FOI 2019/15016  
FOI 2019/15021

Date: 02 May 2019

Dear C Thompson,

Thank you for your Freedom of Information request(s) received in April 2019.

FOI 2019/13889 – On 2 April 2019 you asked:

*Further to FOI2019/11313*

*As you don't hold the information as stated in the paragraph below can you please give me the name of the department that does hold the information.*

*"We do not hold information on correspondence or discussions between the DWP Bill Team and Policy Officials and the Work and Pensions Select Committee regarding the new State Pension"*

*Confirm that there were no discussions or correspondence between the DWP Bill Team and Policy Officials with the Work and pensions Select Committee regarding the New State pension.*

FOI 2019/14203 – On 8 April 2019 you asked:

*Can you please let me have copies of any information the DWP gave to the Work and Pensions Committee and correspondence the DWP have or had between the DWP and the Work and Pensions committee when Anne Begg was the Chair of the Committee regarding introduction of the new state before it started on 6 April 2016. If you don't have it please tell me who does.*

*Please note I am not restricting it to correspondence or talks between the DWP Bill Team and Policy Officials only but the whole of DWP.*

FOI 2019/15016 – On 13 April 2019 you asked:

*"Further to Our Ref: IR2018/15436 Date: 18 January 2019.*

*In your reply you said*

*"In response to question 5, the policy approach for treating people with pre 2016 National Insurance records was set out in the single-tier pension White Paper published in January 2013. The approach, The introduction of a Starting Amount in the new State Pension, was a key part of Pension Act 2014. "*

1) Regarding paragraph above can you please send me a copy of the information or give me the paragraph number that mentions in plain English that people with GMP indexation will no longer receive GMP indexation via the state pension calculation if they reach state pension on and after 6 April 2016

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Impact of ending contracting out on employees.

As far as I can see under this section paragraphs 72 to 74 inclusive don't mention anything about the loss of GMP indexation via the state pension calculation.

2) Please send me a copy of any impact assessment that mentions GMP indexation calculation via the NSP will not be done so making people lose GMP indexation via the state pension.

Text Box 3.2: Communicating the end of contracting out

"Careful planning and proactive communications will help the three key audiences (scheme members, employers and scheme administrators) understand why the changes are happening and how they will be affected.

3) In paragraph above please give me a copy of the proactive communications to the three key audiences explaining that people with GMPs will no longer receive GMP indexation via the state pension calculation if they reach state pension age on and after 6 April 2016.

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85. This calculation will be as follows:

Single-tier valuation for people who have contracted out:

Single-tier valuation for people who have contracted out:

Number of pre-implementation qualifying years x £144 – 'rebate derived amount'

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As far as I can see paragraph 85 does not explain how the rebate amount was to be calculated and did not mention that it would not include consolidation of COD/GMP indexation after a person reaches state pension age even though it had become law without a start date under the 2011 Pension Act.

4) Please send me a copy of the relevant change in law under the NSP that mentions the rebate derived amount was not to include an adjustment for consolidation of COD/GMP after a person reaches state pension age as laid out in the 2011 Pension Act.

5) Please give me copies of information that mentions consolidation of COD/GMP indexation after a person reaches state pension age would not happen under the NSP and was not to be included in the calculation of the rebate derived amount as described in paragraph 85 calculation..

Regarding my original question 2

*In response to question 2, consolidation was not implemented in Pensions Act 2014 because Pensions Act 2014 superseded additional State Pension and contracted out pensions by introducing the new State Pension.*

*I do realise that the pension Act 2014 superseded additional state pension and contracted out pensions, but only for benefit before state pension age.*

*You said consolidation was not implemented. That is not correct as It was partially implemented as additional state pension and contracted out pension before state pension age were consolidated into the NSP calculation. You did not define what you meant by consolidation.*

*To change an existing law does it not have to be mentioned in the legislation that it was being cancelled. In this case consolidation of COD/GMP indexation calculation after a person reaches state pension age (as defined in Pension Act 2011) was being cancelled.*

*Please send me a copy of the legislation cancelling consolidation of CODs/GMP indexation calculation after a person reaches state pension age as mentioned in Pension Act 2011."*

*FOI 2019/15021 – On 13 April 2019 you asked:*

*Copies of any correspondence you had with the Treasury, any other Government Department and Parliament between say Oct 2010 and April 2011 when you issued the Green Paper "A state pension for the 21<sup>st</sup> century" regarding no one reaching state pension age 6 April 2016 or later will have an additional state pension (AP) so no comparison can be made.*

### DWP Response

I confirm that we do not hold the recorded information to respond to your request.

Under section 14(1) of the Freedom of Information Act (FOIA), public authorities are not obliged to comply with a request which is vexatious.

A request may be treated as vexatious, if it seeks information of a frivolous nature; if it is likely to cause distress or irritation without justification; or if it is aimed at disrupting the work of an authority or is harassing individuals in it.

By way of clarification, it is the request which is treated as vexatious not the person making the request. An individual can make multiple requests and each will be considered on its own merits.

A vexatious request is assessed with reference to all the circumstances of an individual case.

The Department understands that the matters relating to new State Pension and GMP Indexation are of importance to you, but considers that the frequent and overlapping nature of your requests, as well as the fact that responses tend to result in further requests, mean that the burden these requests place on Departmental resources outweighs any useful purpose they would have to you.

Additionally, the topic of your requests has been subject to Parliamentary scrutiny.

We are also aware that you have had correspondence with the Department's Permanent Secretary on this subject, where it was outlined that it was unlikely that the Department would be able to provide you with any further information that could resolve your reservations on this topic.

On this basis, the Department has decided that Section 14(1) of the FOIA applies on this occasion.

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

Yours sincerely,

DWP Central FOI 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-request@dw.gov.uk](mailto:freedom-of-information-request@dw.gov.uk) or by writing to DWP, Central FOI 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  
[https://ico.org.uk/Global/contact\\_us](https://ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745