

DWP Central Freedom of Information Team

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

Our Ref: VTR3213 & IR430

DATE: 2 July 2018

Dear Mr Moore,

FOI 3213; IR430

On the 29 May 2018, the Information Commissioner issued a decision notice in response to your complaint about the Department for Work and Pensions' reliance on Section 12 (costs) of the Freedom of Information Act 2000 and not provide you with the information you requested in FOI 3213/IR430.

The Information Commissioner's decision is that the Department for Work and Pensions correctly relied on section 12 but that it breached section 16(1) of the FOIA (duty to provide advice and assistance) in failing to provide reasonable advice and assistance to help you to submit a refined request within the cost limit, should you wish to do so. The Department for Work and Pensions must do so within 35 calendar days.

History of the Request

You asked, in FOI 3213:

"1. I would like to know the number of workfare participants who, to date, have been placed with the RSPB on each of the following schemes:

- Mandatory Work Activity scheme*
- Work Experience*
- Work Programme*

2. Please state the date that the RSPB first accepted participants on each scheme and, if the RSPB's involvement in any of the schemes has ended, the date their involvement ended.

3. Additionally, I would like participation figures for all other similar DWP workfare schemes from which the RSPB has benefited e.g. Community Work Placements. Specify the name of each scheme and provide accompanying participation figures to date. Also state the date on which the RSPB first accepted workfare participants on each scheme identified and, if appropriate, the date on which their involvement in the scheme ended."

The Department issued the following response on 30 September 2016:

“Due to the broad nature of your request, we estimate that the cost of complying with your request would exceed the appropriate limit for central Government, set by regulations at £600. This represents the estimated cost of one person spending 3½ working days in determining whether the Department holds the information, and locating, retrieving and extracting it.

Under section 12 of the Freedom of Information Act the Department is not therefore obliged to comply with your request and we will not be processing it further.

You might like to narrow your request. We will consider afresh any revised request however we cannot guarantee that any revised request will fall within the cost limit.”

You requested an internal review on 30 September 2016, IR 430:

“I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Leading national charity workfare partner the RSPB'. I do not believe that the cost of dealing with my request would exceed £600.”

The Department conducted an internal review, which was carried out by someone of a senior grade to the person who dealt with your original request. The Department issued its response on 28 October 2016, stating:

“In response to your request, I 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, I am satisfied that the original response was handled properly and that the outcome of your request was correct. The reasoning behind this decision is as follows:

Under section 12 of the Freedom of Information Act the Department is not obliged to comply with a request where we estimate that the cost would exceed the appropriate limit for central Government, set by regulations at £600. As previously stated, this represents the estimated cost of one person spending 3½ working days in determining whether the Department holds the information, and locating, retrieving and extracting it.”

The Information Commissioner's decision notice on 29 May 2018, upholds our use of Section 12 (costs) of the Freedom of Information Act 2000 and asks us to provide you within 35 calendar days with reasonable advice and assistance to help you to submit a refined request within the cost limit, should you wish to do so.

You wrote to us on 4 June 2018 stating:

“The ICO requires you to provide S16 advice and assistance within 35 calendar days. Please respond via WDTK.”

Our response to meet the requirement to provide you with reasonable advice and assistance as set out in the Information Commissioner's decision notice:

You might wish to narrow your request. We will consider any revised request however we cannot guarantee that any revised request will fall within the cost limit as this will depend on the scope of your revised request. You could limit your request by:

- limiting the scope of your request to one specific programme,
and
- limit the scope of your request to a specific contract package area/ Jobcentre Plus District,
and
- limit your request to a specific short time period for the programme.

We will post this response as requested on your Whatdotheyknow.com (WDTK) account.

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.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745