

DWP Central Freedom of Information Team

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

Our Ref: Fol 313

DATE: 15 February 2016

Dear Mr Jones,

Thank you for your Freedom of Information (Fol) request received on 26 January 2016. You asked:

*Where the DWP have failed in its duty to issue a mandatory reconsideration notice and a statement of reasons, does this mean that the complaints process cannot be progressed to yourselves?*

*If so this mean that the complaints system is not fit for purpose?*

*What should an individual do if this has happened?*

It may be helpful if we start by clarifying the remit of the Fol Act. The Act gives any person legal right of access to any and all recorded information which is held by a public authority. The Act does not require the Department to provide opinions or explanations, generate answers to questions, or create or obtain information it does not hold. In cases where a person asks a question, rather than requests recorded information, we do our utmost to provide the recorded information that best answers the question. Once the public authority has provided the recorded information, it has met its obligations under the Act; interpretation of the information provided is left to the requestor.

We can confirm that the Independent Case Examiner's Office holds no recorded information to answer your Fol request. However, although outside of our obligations under the Fol Act, you may find the following information useful.

The role of the Independent Case Examiner is to investigate complaints into administrative failings by the Department for Work and Pensions (DWP). It does not fall within her remit to reconsider decisions regarding the calculation of benefits or maintenance liabilities as these are matters that should be challenged through the mandatory reconsideration process and then, if necessary, through the HM Courts and Tribunals Service. That said, the Independent Case Examiner can consider whether, in determining the calculation of benefits or maintenance liabilities, DWP followed established procedures in administering the case.

Before a complaint can be accepted for investigation by the Independent Case Examiner's Office, the complainant is required to raise their concerns with the relevant business within

DWP and to have received a final response to their complaint. If the complainant remains dissatisfied following receipt of the business' final response to their complaint, they can then approach the Independent Case Examiner's Office with the same complaint within six months.

If you want a bespoke response to your correspondence outside of the Fol Act please contact the Independent Case Examiner's Office directly:

The Independent Case Examiner  
PO Box 209  
Bootle  
L20 7WA

Email - [ice@dpw.gsi.gov.uk](mailto:ice@dpw.gsi.gov.uk)

Telephone - 0345 606 0777

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

Yours sincerely

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-request@dpw.gsi.gov.uk](mailto:freedom-of-information-request@dpw.gsi.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](http://www.ico.gov.uk)