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[DWP Website](#)

Our Ref: FOI2024/48114

Date: 16 July 2024

Dear Martin Williams,

Thank you for your Freedom of Information (Fol) request received on 17 June. You wrote:

"Dear Department for Work and Pensions,

1. In FOI2024 03180 (available here:

[https://www.whatdotheyknow.com/request/numbers\\_of\\_cases\\_stayed\\_or\\_paid/response/2539045/attach/3/Response%20FOI2024%2003180.pdf?cookie\\_passthrough=1](https://www.whatdotheyknow.com/request/numbers_of_cases_stayed_or_paid/response/2539045/attach/3/Response%20FOI2024%2003180.pdf?cookie_passthrough=1)), the Department released data about the numbers of Universal Credit cases where decision making had been paused and the number of cases where payment had been made in reliance on the judgment in *SSWP v AT* [2023] EWCA Civ 1307. At the time of that response (dated 31/01/2024, those numbers were:

"i)The numbers of claims or awards where decision making has been stayed to await the eventual outcome of the *SSWP v AT* litigation stands at 2816.

ii)The number of claims or awards where the *SSWP* has applied the *SSWP v AT* judgments as not to do so would cause hardship stands at 83."

2. Despite the fact that the *SSWP v AT* litigation concluded on 07/02/2024, when the Supreme Court dismissed an application by *SSWP* to appeal against the judgment of the Court of Appeal, a further FOI response (in this case FOI2024 41724 - [https://www.whatdotheyknow.com/request/updated\\_guidance\\_in\\_at\\_right\\_to\\_2/response/2675996/attach/3/Response%20FOI2024%2041724.pdf?cookie\\_passthrough=1](https://www.whatdotheyknow.com/request/updated_guidance_in_at_right_to_2/response/2675996/attach/3/Response%20FOI2024%2041724.pdf?cookie_passthrough=1)) indicated that DWP staff were still, at the time that response was dated (07/06/2024), following guidance (previously released under FOI2023 63218) which instructed them to stay decision making in cases similar to *SSWP v AT* and only to unpause decision making in cases where the appellant raised hardship issues.

3. Given that DWP staff have continued to follow that guidance, I would be grateful if you could now provide an update for the figures released under FOI2024 03180: in other words, for the latest date for which the figure is held please provide:

a) The number of claims or awards where decision making has been stayed because of the guidance released under FOI2024 03180 (either total numbers or numbers since 31/01/2024).

b) The number of claims or awards where the SSWP has applied SSWP v AT and that has resulted in a positive award (ie has not paused decision making due to hardship and awarded benefit)- again either total numbers or numbers since 31/01/2024.

Many thanks for your help.”

## **DWP Response**

We can confirm that we hold the information you have requested.

Since 12/12/2022, in total the department has stayed **3080** AT lookalike cases and awarded hardship payments to **14** customers since 31/01/2024. Previously stayed cases are now being reviewed.

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

Yours sincerely,

DWP Central Freedom of Information Team  
Department for Work and Pensions

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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@dwp.gov.uk](mailto:freedom-of-information-request@dwp.gov.uk) or by writing to: DWP Central Fol Team, Caxton House, 6-12 Tothill Street, London, SW1H 9NA.

Any request for an internal review must be received by us within 40 working days of the date of this letter. Please note we are not obliged to provide a review if it is requested after more than 40 working days.

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.

Website: [ICO FOI and EIR complaints](#) or telephone 0303 123 1113.