

DWP Central Freedom of Information Team

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

Our Ref: 1185

20th March 2014

Dear Ms Smith,

Thank you for your Freedom of Information (Fol) request received on 13th March 2014. You asked:

Can you tell me the number of allegedly sick and disabled ESA claimants who, after having been found fit for work via a HCPs report made after a WCA, were subsequently prosecuted by the DWP for making a fraudulent claim?

Rather than go back indefinitely, could you provide the figures for the period 2012 to 2013? To make it easier and less costly for you, please feel free to use figures from a set period you already use – for example, if you normally would keep figures from April to April based on the tax year. Likewise, if Scotland and/or Wales fall outside data collection and retention for the purpose of this query, I would still like the information for England - although the whole of the UK would be preferable, if you have that information.

Furthermore, if there were few or no prosecutions of said claimants, could you explain why this is? I ask because when I completed an ESA50 I was warned:

“I understand that if I knowingly give information that is incorrect or incomplete, I may be liable to prosecution or other action.”

I had to sign the document to declare that the information I provided was true – like an affidavit. It was my sworn testimony, if you like.

The Fraud Investigation Service (FIS), part of the Department for Work and Pensions (DWP), is responsible for the investigation of fraud against all benefits administered by DWP

The information of the number of claimants allegedly sick and disabled ESA claimants who, after having been found fit for work via a HCPs report made after a WCA, were subsequently prosecuted for making a fraudulent claim is not available because no central record is maintained in this specific format. This information could only be provided by examining individual benefit claims and investigation files.

We estimate that the cost of complying with this request would exceed the appropriate limit of £600. The appropriate limit has been specified in regulations and for central Government it is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the Department holds the information, and locating, retrieving and extracting the information. Under section 12 of the Freedom of Information Act the Department

is not obliged to comply with your request and we will not be processing this part of your request further.

However, I can confirm in the fiscal year 2012/2013 (1st April to 31st March) a total of 485 cases were recorded by DWP as accepted for prosecution for benefit fraud offences by the prosecution authority, where the primary benefit was recorded as Employment Support Allowance.

You should not infer from this information that prosecution was a result of a work capability assessment.

The information is derived from operational processes and systems designed solely for the purposes of helping the Department to manage its business. As it was never the Department's intention to put this information into the public domain, it has not been subjected to the rigorous quality assurance checks applied to our published official statistics. As the DWP holds the information, we have released it. However, it is possible information held may change due to operational reasons and we recommend that caution be applied when using it.

Conviction data for benefit fraud offences in England and Wales is within ownership of the relevant prosecution authority. In England and Wales this is the Crown Prosecution Service and in Scotland the Procurator Fiscal. You can contact them at the following email addresses respectively. foiunit@cps.gsi.gov.uk and foi@copfs.gsi.gov.uk

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

Yours sincerely,

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