

DWP Central Freedom of Information Team

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

Our Ref: Fol

17 January 2017

Dear Mr Stirling,

Thank you for your Freedom of Information request of 7 December 2017. You asked:

Following a mandatory reconsideration by a claimant, if the claimant does not accept the result of an ESA decision, as one of the steps, the DWP prepares an appeal response document, and sends it to the tribunal.

Observing many of these, certain common phrases occur more than chance would suggest. For example "Although X has identified a high level of personal restrictions, she is entitled to CA. To be entitled to CA a person must provide at least 35 hours of care to another person each week. The Tribunal may wish to explore this further."

This would lead to the conclusion that such phrases and perhaps their legal justifications are stored in some manner.

Can you please supply the list of such phrases, and any associated justifications (which may include reasoning, caselaw, references to legislation or references to other documents)."

The department's appeal response writers have access to hundreds of standard paragraphs which they use as appropriate – the one you cite is indeed an example. Further examples for PIP are attached. These reflect the law, including case law. But the critical point is that these are not in the main stand alone paragraphs. They are only a starting point and appeal writers must add content to personalise them and put them in context in order to fully present the Department's case. And, of course, they are amended and updated as appropriate.

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

Yours sincerely,

DWP Strategy 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.gov.uk