



Department
for Work &
Pensions

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[DWP Website](#)

Our Ref: FOI2023/56802

18 August 2023

Dear David Andrew Jameson,

Thank you for your Freedom of Information (FoI) request received on 24 July. You wrote:

“In 2022, there were 41,000 appeals cleared at tribunal. Of these 41% (17,000) were overturned due to a different conclusion being reached on substantially the same facts.

Notes:

1. Figures have been rounded to the nearest thousand or percent.
2. Figures use appeals cleared at tribunal between January 2022 and December 2022.
3. This data only provides one reason per appeal on why decisions by DWP decision makers have been over- turned at a tribunal hearing.
4. Appeals data has been taken from the DWP PIP computer system's management information. Therefore this appeal data may differ from that held by Her Majesty's Courts and Tribunals Service for various rea- sons such as delays in data recording and other methodological differences in collating and preparing sta- tistics.
5. The data provided is unpublished and should be used with caution as it may be subject to future revision.

FoI request

For the same period

1. For the appeals how many were there in total
2. Before the hearing how many did the DWP make an offer before the hearing to settle in the appellants favour and it did not proceed to a hearing
3. How many appellants withdrew a claim before the hearing without any settlement
4. How many appellants died before the hearing took place
5. How many of the hearings had new evidence either written or verbal where a decision was made in the appellants favour
5. The total percent of hearings made in the appellants favour for whatever reason to include the percent where the DWP settled before the hearing, I believe that 79% of appellants either had a court decision made in there favour or settled before?

Do you also have these same figures for ESA / Universal Credit LCW / LCWRA? and DLA”

DWP Response

We confirm that we do hold some of the information you have requested. However, we have estimated that the cost of meeting your request would exceed the cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This represents the estimated cost of one person spending 3½ working days (equivalent to 24 staff-hours) in determining whether the Department holds the information, and locating, retrieving, and extracting it.

Under Section 12 of the FoI Act the department is not therefore obliged to comply with your request and we will not be processing it further. The reason being the Department is unable to provide some of the information you seek within the appropriate cost limit as you have asked for information that is not readily available and will require complex matching using specialist skills.

Please note that appeals are the responsibility of His Majesty's Courts and Tribunals Service who publish detailed statistics that can be found at [Tribunals statistics - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/tribunals-statistics). In particular:

- Table SSCS_1 provides the number of appeal receipts
- Table SSCS_2 provides the number of cases cleared with and without a hearing
- Table SSCS_3 provides the outcomes of hearings heard

The published appeal statistics contain information on Personal Independence Payment (PIP), Employment and Support Allowance, Universal Credit and Disability Living Allowance.

Under Section 16 of the FoI Act we should help you narrow your request so that it may fall beneath the cost limit. We feel that you should narrow your request to:

For the period of January 2022 – December 2022 inclusive, I would like the following information for Personal Independence Payment:

- 1) The total number of appeals cleared
- 2) The number of lapsed appeals made by the DWP that were in favour of and accepted by the appellant, and therefore did not go to hearing
- 3) The number of appeals withdrawn before the hearing, without any settlement
- 4) The number of hearings where the DWP decision was overturned in favour of the appellant and the summary reason for overturn was 'New written evidence provided at hearing'
- 5) Lapsed and overturned appeals as a percentage of all appeal clearances

For the period of January 2022 – December 2022 inclusive, I would like the following information for Employment and Support Allowance, Disability Living Allowance, and Universal Credit Full Service

- 1) The total number of appeals cleared
- 2) The number of lapsed appeals made by the DWP that were in favour of and accepted by the appellant, and therefore did not go to hearing
- 3) The number of appeals withdrawn before the hearing, without any settlement
- 4) Lapsed and overturned appeals as a percentage of all appeal clearances

Please note that DWP Appeals data is taken from the DWP management information. Therefore this appeal data may differ from that held by His Majesty's Courts and Tribunals Service for various reasons such as delays in data recording and other methodological differences in collating and preparing statistics.

We will consider afresh any revised request however we cannot guarantee that any revised request will fall within the cost limit as each Fol request is judged on its own merits.

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

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-reqxxxx@xxx.xxx.xx 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