

DWP Central Freedom of Information Team

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

Our Ref: FOI2019/05416

6 March 2019

Dear Sam Smith,

Thank you for your Freedom of Information (Fol) request received on 6 February. You asked:

This request relates DWP's process for handling of the judgments in successful appeals to tribunal of an ESA or PIP decision.

Please provide:

1) A copy of the policy and procedures that should currently be followed by DWP when adding to a claimant record the details of a tribunal judgment.

a) In particular, to narrow the scope of my request, I am only interest in the parts of documents that relate to recording any decision by the tribunal about instructions or recommendations for time periods in which (or dates before) the claimant should not be reassessed;

2) Any guidance for claimants about what information is available to the claimant to confirm how DWP recorded the decision of the tribunal; (a link to existing public advice can be an answer to this part)

3) A copy of the policy and process that DWP should follow when deciding to reassess an individual claimant, particularly how the reassessment decision should comply with the tribunal's decision about reassessment covered in part 1;

a) If relevant, please provide the current training material for DWP staff for checking the details added in part 1 of this request

4) A copy of DWP processes for confirming the process in (3) has been followed, and a recent summary of reporting of how often that process has been followed correctly or otherwise.

If any part of this question do not exist, or would breach statutory limits on time/effort for discovery, please state what limit would be breached and answer as many parts of the question as can be answered within statutory limits.

If my request is unclear, or I can assist you in any way on clarifying this request, please let me know.

DWP Response:

I can confirm that we hold some of the information that you have requested. The information will be provided below in the same numbered order as in your request and relates to both ESA and PIP decisions.

- 1) Please see attached guidance we follow when we receive a decision from the tribunal.
- 2) Following a search of our paper and electronic records, I have established that the information you requested is not held by this Department. Her Majesty's Courts and Tribunal Service inform the individual about the result of the tribunal. Information on the method of recording the tribunal outcome on DWP systems is not part of the information provided.
- 3) Following a search of our paper and electronic records, I have established that the information you requested is not held by this Department. There is no specific action taken when reassessing a claim where there has been a tribunal outcome. The tribunal outcome supersedes the original decision and therefore sets the new prognosis date. Whether the previous decision was made at tribunal is not a factor in future decisions, as each decision is made upon its own merits at the time the new assessment took place.
 - a) In relation to the action taken on the receipt of a PIP tribunal decision, I have attached the learning brief for PIP20 Appeals module. I refer you in particular to topic 9 - Post Tribunal Action. This covers recording the outcome (and includes a link to instructions) for the action to take dependent upon what the tribunal decision is.

Note –The action in the instructions includes the wording: *“If the period of award has been changed, edit the end and review dates as appropriate in benefit Delivery screen. Save the edits”*.

The setting of length of award and review dates is initially covered in the learning given to all Case Managers (Decision Makers). I refer you to the attachment PIP13NE Receipt of the AP report, in particular topic 5, pages 71 to 74 - Length of Award and Review Date.

With regards to tribunal decisions for ESA, I have attached the new entrant knowledge module K55 Work Capability Assessment Topic10, and draw your attention to pages 2 to 4 which reference re-referrals.

Additionally, E-learning JSAPS module J26 Inputting DMA Details refers to the system actions for disputes and appeals process. Topic 04 references appeals. This is the topic design storyboard version with screenshots of the system screens processors will use.

- 4) There is no written process for confirming that the action in 3 has been undertaken. Unless the Secretary of State is considering challenging the tribunal's decision it will always be put onto the respective benefit system ready to be implemented.

If you have any queries about this letter please contact us 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
https://ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745