

DWP Central Freedom of Information Team

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

Our Ref: VTR IR 895

9 January 2014

Dear George Morley,

I am writing in response to your further review request received on 16 December 2013. An internal review has been carried out by someone of a senior grade to the person who dealt with your original request. I am now in a position to respond to you. In your review request you said:

Your Ref: VTR IR 834 & 861

My FOI request originted on 11th Oct. 2013.

Following my previous unanswered questions which revealed :

- 1. you have not asked for any cost of NHS to support your case.*
- 2. you have no idea how much are the costs of benefits claimed per pensioner in the UK.*
- 3. you have no idea how much your department spends in respect of the frozen pensioner administration..*

Now I find that when Nigel Evans (Ribble Valley, Conservative) posed a question, ref [Hansard source (Citation: HC Deb, 5 December 2013, c768W) "To ask the Secretary of State for Work and Pensions what estimate he has made of the number of UK citizens living abroad who are affected by their state pensions not being uprated in line with inflation."

The answer from Steve Webb was : "No information is available on the nationality or citizenship of state pension recipients; however, there are around 558,000 recipients of the UK state pension living overseas in a country which does not currently receive an annual uprated pension".

The country is not mentioned in the question and it is the pensioners that are frozen and not the country of residence.

Not only does this not answer the question but reveals that the DWP's records are inadequate or badly kept as this should be essential information surely which begs the question : How do they know which pensioners to uprate or freeze when a country joins or leaves the EU for example if they have no idea where pensioners live ? The discrimination is against the pensioner and not the country.

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I would add that I have had a letter from you dated 9 December 2013 which gave a reference : TO/13/28620 signed by someone whose signature is illegible and therefore rather pointless as no name is given but from the Ministerial Correspondence Team.

The content is the typical response that your department are sending out and really just tells us everything we already know with most of it totally irrelevant to the issue now as it is old history and being used as a valid excuse for doing nothing about the frozen pensions.

I will copy the last paragraph here :

"The National Insurance Fund operates within the wider fiscal framework and it gives the government the flexibility to determine its spending priorities in light of the overall economic conditions prevailing in the UK. If this were not the case, the Chancellor would need to raise the equivalent through other means such as raising taxes from primarily UK residents, including, possibly , pensioners."

In comment, I have to say that the N I fund is in surplus which you cannot deny and yes I agree that the Debt Management Office use this money for other purposes. But, as it was initially provided for the provision of the state pension demands then ALL pension demands on the fund should be met before any borrowing takes place and to not do so is a misuse of the fund and therefore not a valid reason to deny any qualified frozen pensioner their full indexation in the same way as those pensioners that receive it. You also seem to suggest that any cost would be thrust upon the UK residents to which I would add that having worked in the UK and paid my taxes for more than the 44 yrs required, any further money required by government during that time was thrust upon me and my fellow workers who over that time paid off the war loans that were not finally paid off until 2006, therefore I cannot accept your frail reasoning. Remember also, that all UK citizens including pensioners are assessable for tax wherever they choose to live. Whether there is a tax treaty with the country of residence of the individual or not is irrelevant as this is an agreement by the government. However no agreement is required for paying the fully indexed pension is it as the current freezing is by UK government regulation as clause 20 will also be for the future discriminated pensioners if the new Pensions Bill is passed and given Royal assent ? Discrimination like this is certainly not acceptable to Her Majesty I'm sure and to embarrass her by the continuation of this life sentence to poverty for UK citizens for whom you, the DWP staff, are responsible.

This falls on all persons responsible for carrying out and thereby condoning this discriminative, irrational and illogical policy and ultimately your individual conscience and integrity is also in question.

Nobody should be placed in this position at work in a democratic society.

The words used - discriminative, irrational and illogical - are those of the current Pensions Minister Steve Webb, not mine.

Let me start by explaining that the Freedom of Information Act legislation has been created to allow greater transparency of government and allows individuals to request and gain access to information held by the Department. It does not require the Department to provide opinions or explanations, generate answers to questions, or create or obtain information it does not hold. The guidance available from the Information Commissioner also makes it clear that this legislation should not be used for debating of issues rather than obtaining information.

On the pensions uprating (frozen pensions) issue, I understand that you have already sent 10 letters to the Department about your concerns on this matter, all of which have been fully answered.

Turning to this further review in response to your e-mail of 16 December 2013, where you state that points remain unanswered in relation to your original Freedom of Information (FOI) request of 11 October 2013, the reviewer is satisfied that the responses provided meet the requirements of the Freedom of Information Act. In your original request you said:

"Dear Department for Work and Pensions

From Hansard source (Citation: HC Deb, 8 October 2013, c159W) the annual cost of uprating the frozen pensioners would be 700 million GBP per year. This is less than 1% of the annual pensions budget and a review of cost against the saving made by not having the following benefits must be made if cost is to be used as an excuse to continue the discriminative deprivation of the indexing.

- 1. What is the annual saving to the NHS due to the pensioners retiring abroad where no indexing is given.*
- 2. How much is saved by virtue of these frozen pensioners not being eligible for the many benefits available to those in the UK and the EU ?*
- 3. What is the annual cost of maintaining a department to uprate the frozen pensioners who return to the UK for a period and also to answer the numerous questions and queries that the freezing policy generates.*
- 4. Has any assessment been done to evaluate the benefit to the Department should they index the pensions taking into account the points made in 1, 2 and 3 and if not why not?"*

On point 1, the Department does not hold information or data in relation to the National Health Service and its costs. This is and remains a matter for the Department of Health. As outlined earlier the Freedom of Information Act does not require the Department for Work and Pensions to create or obtain information it does not hold.

On point 2, information is not available on potential UK and EU benefit entitlement for UK State Pension recipients living overseas, or the hypothetical expenditure on such benefits if those State Pension recipients had remained in or returned to the UK.

On point 3, as stated previously no information is available concerning the costs for maintaining a department to uprate frozen UK State Pension for those pensioners who return to the UK. The Department does not collect statistical data on the activities associated with restoring state pensions to the UK level when a person returns to, or visits, the UK. Therefore the information you have requested is not available.

On point 4, you have been provided with the fullest information we have concerning the Oxford Economics Report, including the ministerial response to the document read out in the House of Commons. There is nothing further to add to the information you have already been given.

In your e-mail of 16 December 2013 you also refer to correspondence you have received relating to the current frozen pensions policy, rather than an FOI matter. Your point concerning the National Insurance Fund has already been answered in correspondence (Reference

TO/13/28620), so again there is nothing new to add to the correspondence already sent to you. I would like to confirm that there are no plans to change the current arrangements for the payment of UK State Pension to overseas residents.

For your information I have also added a link to the Information Commissioner guidelines on Freedom of Information guidelines.

http://www.ico.org.uk/for_the_public/official_information

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@dwpgsi.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