



Department
for Work &
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Our Ref: IR2023/83876

29 November 2023

Dear Amanda Hart,

Thank you for your Freedom of Information (FoI) internal review request received on 1 November. relating to FOI2023/78698. You wrote:

“Request for Internal Review - FOI2023/78698

To the designated authority responsible for Freedom of Information reviews at the Department for Work and Pensions,

I am writing to formally request an internal review of the Department for Work and Pensions' (DWP) handling of my Freedom of Information (FOI) request titled 'Safety and accountability,' reference FOI2023/78698.

In the outset, I wish to express our appreciation for the information that has been provided thus far.

The rationale behind our request for an internal review arises from the following pertinent facts concerning your response to part 2 of my request, following your requests for clarification:

1. It is crucial to acknowledge that the request under consideration was initiated as a result of your second request for clarification.
2. Our revised request thoughtfully took into account the information that you chose to bundle in as a response to part 1. We explicitly asked you not to duplicate such information in response to part 2.
3. Our refined request unambiguously sought information concerning point 2 that had not been provided.
4. Given the contextual framework of our revised request, it was incumbent upon you to indicate whether you held any further information of relevance and subsequently either provide the requested information or establish a valid exemption for its non-disclosure.

In light of the above, we must respectfully disagree with your claim that our request

seeks information that had already been provided.

Legal Reasons:

- a. Section 14(2) of the Freedom of Information (FOI) Act 2000, as cited in your response, is not germane to my request. The request made on 14 October 2023 was neither identical nor substantially similar to the previous requests—namely, FOI2023/68443, FOI2023/69072, and FOI2023/71247. I took great care to clarify the scope and nature of my request in response to your queries, ensuring its distinctiveness from prior requests.
- b. If there were genuinely no relevant information held by the DWP in response to my request, you should have responded with "no information held" instead of invoking Section 14(2).

Non-Legal Reasons:

- a. The handling of my request by the DWP has been inconsistent and does not align with the expected spirit of transparency and cooperation associated with FOI requests. Despite my proactive efforts to provide clarification and narrow the scope of my request, the DWP did not engage adequately with my clarified request, which raises legitimate concerns about the department's responsiveness to FOI requests.

Flaws and Inconsistencies:

- a. The DWP's reliance on Section 14(2) without a thorough consideration of the distinctions between my clarified request and previous ones suggests a procedural flaw in the decision-making process.
- b. The omission of any substantive response or engagement with the specific content of my request, as elucidated in my responses to your queries, indicates a concerning lack of thoroughness on the part of the DWP.

In addition to the legal and non-legal grounds detailed above, I posit that there exists a profound public interest in the release of the requested information. To underscore this point, I provide ten cogent public interest statements:

Public Interest Statements:

1. **Transparency and Accountability:** The divulgence of the requested information is paramount for fostering transparency and accountability within the DWP.
2. **Safeguarding Vulnerable Claimants:** The information sought is directly related to the oversight and mitigation of potential harm arising from policies, particularly concerning vulnerable and disabled claimants. This issue is of paramount public interest.
3. **Policy Impact Assessment:** Access to this information is instrumental in facilitating an impartial assessment of the impact of policies on claimants, thereby enabling the formulation of evidence-based policy enhancements.
4. **Public Confidence:** The release of the requested information has the potential to bolster public confidence in the DWP's commitment to the welfare of claimants.
5. **Policy Evaluation:** The information, if disclosed, can be invaluable in conducting

independent evaluations of DWP policies to ascertain their alignment with intended objectives.

6. Preventing Harm: Comprehensive insight into the monitoring and remediation of potential harm is indispensable for preventing adverse outcomes for claimants.

7. Academic Research: Scholars and researchers can harness this information for rigorous studies and analyses, making significant contributions to knowledge and policy refinement.

8. Advocacy and Support: Advocacy groups and organizations can employ this information to champion the rights and well-being of disabled and vulnerable claimants.

9. Public Scrutiny: Accessible information on the impact of policies facilitates public scrutiny of governmental actions and decisions, thereby promoting transparency and accountability.

10. Legal and Ethical Considerations: The release of this information aligns seamlessly with legal and ethical obligations that mandate the protection of the rights and well-being of individuals.

It is my sincere hope that the DWP will undertake a meticulous reevaluation of its position and, in the larger context of promoting transparency and accountability, choose to provide the requested information. Nevertheless, it is imperative to convey that if a satisfactory response is not forthcoming, we will not hesitate to vigorously present a compelling case to the Information Commissioner's Office (ICO) for the release of the remaining pertinent information held in accordance with our request.

I anticipate a prompt response to this request for an internal review. Kindly acknowledge receipt of this request at your earliest convenience.”

DWP Response

In response to your internal review request, we can confirm that the handling of FOI2023/78698 has now been appropriately reviewed by someone unconnected with the handling of your original request.

As a result of this review we find that the original response was not correct and as such your complaint is upheld. The reason behind this decision is as follows:

Your request was incorrectly designated as a repeat request for which an answer had already been provided and was exempted under Section 14(2). However, as part of its internal review, the Department does not believe that this approach was correct.

This is because in response to FOI2023/71247, as per Section 16 of the FoI Act, the Department provided advice on how to narrow down your request by further clarifying the information being sought. In your subsequent request FOI2023/78698 you clarified your request with regard to ‘disabled individuals’ to ‘in relation to claimants of benefits and services, including those who are vulnerable or disabled’.

As such we are issuing a revised response.

We can confirm that we hold information falling within the description specified in your clarified request, 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 at least 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(1) of the FoI Act the Department is not therefore obliged to comply with your request for information and we will not be processing it further. This is because the time period you have chosen for correspondence and documentation – ‘...for the period of January 1, 2017, to the most recent:’ is too wide. A high degree of manual searching would be required to locate all the relevant information within this 6 year 10 month time period.

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 consider narrowing the time period of your request to information within the last 12 months.

We will consider afresh any revised request however we cannot guarantee that any revised request will fall within the cost limit as each FoI 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,

Central FoI Team
Department for Work and Pensions

Your right to complain under the Freedom of Information Act

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.
Web: [ICO FOI and EIR complaints](#) or telephone 0303 123 1113