

24 July 2014

Dear John Slater,

Thank you for your Freedom of Information request received on 27 June 2014.

You asked:

**Please provide the following information:**

**Q1. The legislation that gives a Performance Measurement review officer the powers to:**

- (a) simply turn up at a claimant's home without a prior appointment.**
- (b) gain entry to a claimants home without their permission in order to carry out the review.**
- (c) demand access to the specified documents.**

**Q2. If the scope, purpose and authority to carry out such visits is not defined in legislation (i.e. it is simply departmental policy) then please confirm this.**

**Q3. The method employed to randomly select claimants for a meeting with the Performance Measurement review officer.**

**Q4. Please confirm that claimants may:**

- (a) refuse any Performance Measurement review officer entry to their home without any risk to their benefits.**
- (b) decline to meet with the Performance Measurement review officer at their home without any risk to their benefits.**
- (c) insist that any meeting take place at a building used by the DWP in its normal day to day operations (e.g. JCP) without any risk to their benefits.**
- (e) require the DWP to provide reasonable notice in writing to attend such a meeting without any risk to their benefits.**
- (f) bring someone with them to attend such a meeting without any risk to their benefits.**
- (g) record (audio) any meeting on their own terms with the Performance Measurement review officer in accordance with their rights under Section 36 (Domestic Purposes) of the Data Protection Act 1998 without any risk to their benefits.**

**Q5. Provide any DWP documentation that specifies the scope and purpose of the meetings with a Performance Measurement review officer.**

In reply to your questions please note that the guidance you refer to relates to visits made by the Department's Performance Measurement Team. The purpose of these visits is to collect information on the claims of a random sample of Benefit claimants in order that Departmental Statisticians can estimate the amount of incorrectness in the benefit system.

Turning to your questions in turn:

**Q1. The legislation that gives a Performance Measurement review officer the powers to:**

**(a) simply turn up at a claimant's home without a prior appointment.**

Claims and Payments Regulation 32 and JSA Regulation 24(5) provide the Department with right to review benefit claims. It does not specify that appointments to review claims have to be made. All the relevant legislation referred to can be found here: <http://www.legislation.gov.uk/>

**(b) gain entry to a claimants home without their permission in order to carry out the review.**

There is no legislation which allows Performance Measurement entry to a claimant's home without permission. Performance Measurement does not seek entry without the claimant's permission.

**(c) demand access to the specified documents.**

Claims and Payments Regulation 32 (1) and JSA Regulation 24, in particular 24 (1 and 5) allow this.

**Q2. If the scope, purpose and authority to carry out such visits is not defined in legislation (i.e. it is simply departmental policy) then please confirm this.**

The legislation is detailed in the answer to Q1(a) above. As previously stated the purpose of these visits is to collect information on the claims of a random sample of Benefit claimants in order that Departmental statisticians can estimate the amount of incorrectness in the benefit system.

**Q3. The method employed to randomly select claimants for a meeting with the Performance Measurement review officer.**

Since it is not possible to review every benefit claim, we use a representative sample of cases. We review between 0.1% and 0.3% of benefit claimants depending on the type of benefit they claim.

Cases are randomly selected on a monthly basis from data extracts of the administrative computer systems. We use a statistical computer package called SAS to interrogate the data and select cases on a random basis.

The samples are taken from systems up to six weeks in advance of the claimant visits to give time for the sample to be checked and for background information to be gathered on each case.

We use the details of previous samples to ensure that claimants cannot be selected by the sampling process more than once within any given 6 month period.

**Q4. Please confirm that claimants may:**

**(a) refuse any Performance Measurement review officer entry to their home without any risk to their benefits.**

This is the claimant's right, there is no risk to the claimant's benefit in the refusal to allow Performance Measurement into their home, the interview can be carried out on DWP premises.

**(b) decline to meet with the Performance Measurement review officer at their home without any risk to their benefits.**

This is the claimant's right, there is no risk to the claimant's benefit in the refusal to allow Performance Measurement into their home, the interview can be carried out on DWP premises.

**(c) insist that any meeting take place at a building used by the DWP in its normal day to day operations (e.g. JCP) without any risk to their benefits.**

If the claimant does not want Performance Measurement to carry out the review in their home this can be done on DWP premises, there is no risk to the claimant's benefit in the request for the interview to be held on DWP premises.

Note there was no question (d).

**(e) require the DWP to provide reasonable notice in writing to attend such a meeting without any risk to their benefits.**

If the claimant does not want the interview to take place at the time of the visit and wants to change the date, that can be put in writing and there is no risk to the claimant's benefit from that change of date.

**(f) bring someone with them to attend such a meeting without any risk to their benefits.**

If the claimant wants someone to attend the review of their benefit claim with them there is no risk to their benefit.

**(g) record (audio) any meeting on their own terms with the Performance Measurement review officer in accordance with their rights under Section 36 (Domestic Purposes) of the Data Protection Act 1998 without any risk to their benefits.**

The claimant may record the interview if they can conduct dual recording on tape or CD so as to have two identical copies of the recording available at the end of the interview, one for themselves and one for the Department. There is no risk to the claimant's benefit from doing so.

**Q5. Provide any DWP documentation that specifies the scope and purpose of the meetings with a Performance Measurement review officer.**

This is provided as requested in the attached document 'PMG Apr 14 Part 07 Review Final Redacted.pdf'. Note that there are a number of redactions to the guidance text as this information is exempt under section 38(1)(b) of the Freedom of Information Act, as release of this information could compromise staff safety and supplies no benefit to the public if released.

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

Yours sincerely,

DWP Central Fol Team

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**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](mailto: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](http://www.ico.gov.uk)