

DWP Central Freedom of Information Team

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

Our Ref: IR 0040

26 February 2014

Dear Mr Harris,

Thank you for your Freedom of Information (FOI) review request which was received on 29 January 2014. In that request, you asked for a review of your FOI numbered FOI 145.

I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Workfare should not replace jobs - compliance'.

You said:

Given information on the different schemes and functions quoted in your request is held across the Department, we estimate that the cost of complying would exceed the limit of £600. Under section 12 of the Freedom of Information Act the Department is not obliged to comply with your request and we will not be processing your request further.

If you were to make a new request for a narrower category of information to ensure that it does not exceed the disproportionate cost limits, it is likely to be exempt from release under Section 43(2) of the Freedom of Information Act. This exemption relates to the commercial interests of the Department for Work and Pensions and any other company or organisation delivering services on our behalf

My Response:

Thank you for this. I can understand that the distribution of the information is such that you would need to do a great deal of work to get it all together. Thank you for reminding me of the possibility narrowing of my request to avoid the £600 limit.

Please can I have your assistance with the Section 43(2) issue? I didn't ask for commercial information such as contract prices and I can't see that ALL the things I asked for would, or would be likely to prejudice the commercial interests of any person (including the DWP).

As you know, Section 43 is subject to the public interest test set out in section 2 of the Act.

Knowledge of the existence of guidance, research and one hopes very occasional enforcement designed to prevent paid employees losing their jobs or hours because of these schemes is a very legitimate public interest that might "trump" 43(2).

Could I ask you to suggest a way forward here?

You also said:

Please note that with reference to the articles you attached to your FoI request the Department does not operate schemes called workfare or described as workfare

My response:

If the Department would advise of the generic term it prefers used for schemes where claimants must work to continue to receive benefits, I will happily use it.

Please be assured that your request has been given our full consideration and that all aspects of your review were taken fully into account.

The review was conducted by an independent official of the Department, of the relevant grade and authority to carry out such requests. The case has been examined afresh, and guidance has been sought from domain experts to ensure all factors were taken fully into account.

The information you have requested covers a number of different functions, you specified guidance, monitoring, research and audit. You also asked for this information in relation to all programmes that offer an element of work experience, the Department has a number of different programmes that may include an element of work experience. The information requested is held by a number of different teams across the Department and would take a significant amount of time to determine what information is held, then locating, retrieving and extracting the information.

After consideration the internal review has found that the reply to your original Freedom of Information request was accurate and that collating the information you have requested would exceed the appropriate limit set for answering Freedom of Information requests.

Additionally in your review request you asked for clarification around section 43(2), it may be helpful if I explain that it was felt that some of the information falling within the scope of your original request may be exempt under section 43(2) of the Freedom of Information Act. Though this can not be confirmed unless the information is collated and a public interest test is conducted.

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

Yours sincerely,

DWP Central FoI 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