



HM Treasury

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Mr Kester Dean

Via email

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3 April 2019

Ref: R48/18
FOI2018/16074

Dear Mr Dean

Freedom of Information Act 2000 Internal Review: Benefit Claims

Thank you for your email of 22 October 2018, requesting an internal review of our response to your Freedom of Information request of 23 September 2018, our reference: FOI2018/16074. I am sorry for the delay in providing this review response to you.

We have now completed our internal review and I am writing to inform you of its conclusions. The review was conducted by officials not involved with your original request.

Background

On 23 September 2018, you asked for:

"can you provide me with the following (or direct me to where I can find the information).

- 1. The total annual cost of PIP assessments broken down by payments to the contractors and the costs of setting up the contracts – legal fees, the salaries and pension contributions of Officials working on the project etc.*
- 2. The total annual cost of PIP appeals when claimants are subject to DLA to PIP transfer.*
- 3. Any IT costs associated with setting up PIP."*

On 18 October 2019 we provided our response that HM Treasury were unable to confirm whether we held information within the scope of your request. This is because it would require us to examine over 500 records to determine whether they contained any information within the scope of your request. It would therefore exceed the cost limit (Section 12 of the FOI Act) to confirm whether or not the requested information was held, and departments are not obliged to comply with requests in these circumstances.

You made your internal review request on 22 October 2019:

Please can you review my request on the following grounds.

No alternative by way of a refined request has been considered so far. The essence of this request is about any interested party being able to see whether the policy intention behind Personal Independence Payment (PIP) to save £1.5 billion per year is being delivered. It is my contention the information therefore has to be made available in the public interest. If you can suggest a more stream-lined way of releasing the information so that I can see the cost of delivering PIP against the savings in payments to claimants then that would suffice. It's the net figure that's crucial to any objective assessment of the performance of this policy and so I find it impossible to believe that this information would not be available accordingly.

The Review

I have considered the response we provided to you and whether our handling was compliant with our obligations under the Freedom of Information (FOI) Act.

I can confirm that HM Treasury were correct in engaging the cost exemption under Section 12 of the FOI Act.

We recognise that disclosure of the information you have requested is in the public interest however, the Treasury does not collate information in a way that could be used to easily identify "the net figure" that you are requesting. Confirming whether we hold any of the requested information would require us to examine over 500 records to determine whether they contain any information within the scope of your request. It would therefore exceed the cost limit (Section 12 of the FOI Act) and departments are not obliged to comply with requests in these circumstances. As per the Information Commissioner's Office (ICO) published guidance, if a public authority estimates that it would exceed the appropriate limit to confirm whether or not the requested information is held then, under section 12(2) of the Act, it does not have to deal with the substance of the request.

Link to ICO Guidance (Section 52, page 15):

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

It is difficult for us to suggest how you could narrow your request but, if you wish to submit a revised request we would be happy to consider it. In your review request, you indicated that you would be willing to accept headline information without the detailed breakdown you initially sought. However, we would still need to carry out extensive searches to determine if we hold up to date actual costs and savings totals and / or a net figure based on such totals. You are already aware of the information we publish on spend by DWP on PIP.

Section 16 of the FOI Act stipulates that we have a duty to provide advice and assistance to those who make, or wish to make, a FOI request. However, the FOI Act does not require us to create information to answer a request, nor to go and get it from other sources.

I consider that our response was helpful in that it provided some explanation and directed you to the Department for Work and Pensions (DWP) who are the lead for this policy and should be in a better position to help you with this request. We are not aware of this particular information already being available in the public domain. We are aware that a number of reviews have been carried out and reports produced on the implementation of

the PIP Programme. I expect that you may well already be aware of these but, to be helpful, I have provided links to these in an annex to this response.

Finally, we are aware of the ICO guidance on timeframes for internal reviews and we recognise that this review response has been significantly delayed and I would like to apologise for this. We recognise that we did not meet our obligations on this occasion and we will look at our processes to see how we can prevent such delays arising in the future.

Conclusion

Whilst I am aware you may find these conclusions disappointing, I hope that by setting out the basis of the review, its findings and conclusions above, you will be assured that the Treasury has, on your behalf, carried out a thorough and considered review of the request you made and the responses that the Treasury gave under the FOI Act.

If you are not content with the outcome of this internal review you have the right to apply directly to the Information Commissioner for a decision. The Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF.

Yours sincerely



Sarah Fry
Correspondence and Information Rights Team Leader

Annex

Paul Gray First Review (May 2014)

<https://www.gov.uk/government/publications/personal-independence-payment-pip-assessments-first-independent-review>

Government's first response to the First Review (Feb 2015)

<https://www.gov.uk/government/publications/personal-independence-payment-pip-assessments-first-independent-review-government-response>

Government's second response (Nov 2015)

<https://www.gov.uk/government/publications/personal-independence-payment-pip-assessments-first-independent-review-second-government-response>

Paul Gray Second Review of PIP (March 2017)

<https://www.gov.uk/government/publications/personal-independence-payment-pip-assessment-second-independent-review>

Government's response to the second Review

<https://www.gov.uk/government/publications/personal-independence-payment-pip-assessment-second-independent-review-government-response>

NAO and Select committee reports

<https://www.nao.org.uk/search/keyword/Personal+Independence+Payment/department/departments-for-work-and-pensions/>

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/news/personal-independence-payments-substantive/>

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/inquiries/parliament-2010/personal-independence-payments/>

<https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06861>

<https://www.parliament.uk/documents/commons-library/Claimant-experience-of-the-Personal-Independence-Payment-process-CDP-2018-0020.pdf>

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/inquiries/parliament-2017/pip-esa-assessments-17-19/>

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/news-parliament-2017/pip-esa-government-response-17-19/>