

# Freedom of Information request 3183/2013

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## Information request

*Esther McVey stated in Parliament on July 1st that the majority of decisions being overturned by the tribunals was the result of new information being supplied on appeal. which justifies Mandatory Reconsideration.. However the Early Analysis of Appeals Allowed from Pilot Data (November 2012) which refers to the drop down list of primary reasons states that..*

*40.5 per cent were due to cogent oral evidence provided by the appellant. This could suggest the differences between DWP and the Tribunal approaches to decision making,*

*15.1 per cent were caused by a different conclusion being reached on substantively the same facts. This indicate differences in DWP and the Tribunal approaches,*

*0.3 per cent were put down to the DWP decision maker misapplying the law This signals errors by individuals and/or possibly defects in training or guidance, which will be investigated further in the future, and*

*0.3 per cent were because medical or functional assessment reports relied on by DWP decision makers contained errors.*

*Could you supply the most recent figures/statistics with regards to the above.... or if the above are the latest, then please provide the source of Esther McVey's statistics.*

## DWP response

I can confirm that the latest data is from the November 2012 ad hoc publication 'Social Security and Child Support hearings: Early analysis of appeals allowed from pilot data- Based on pilot data from July to October 2012'. The data was management information on early results from a joint DWP and HMCTS pilot exercise within Great Britain.

The pilot data of this document are for appeals that have been cleared at hearing by the Social Security and Child Support (SSCS) Tribunal between 9<sup>th</sup> July 2012 and 31<sup>st</sup> October 2012, where primary reasons for why Judges overturn DWP decisions have been collected for the first time.

The Minister for Disabled People's response in Parliament was based upon evidence that was contained within that publication.

I have included the link to that publication.

<https://www.gov.uk/government/publications/social-security-and-child-support-tribunal-hearings-early-analysis-of-appeals-allowed-from-pilot-data>

Cogent oral evidence provided by the appellant at tribunal, referred to in the latest data ad hoc publication, could include new evidence being provided by the appellant at appeal.