

Freedom of Information request IR196/2013

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Information request and DWP response

Can you please provide me with:

1. *All information, held on any media (including e-mails) relating to the decision as to:*

(a) whether or not to inform State Pensioners, who had opted to defer their state pension and that this deferment was in place on 5th April 2011, relating to changes that would affect their Deferred State Pension from 6th April 2011 onwards;

(b) how and when those affected by the changes should be informed of the changes;

(c) whether the Pension Service should withhold repayment of the weekly State Pension for those weeks subsequent to 6th April 2011, when the Pension Service had retained those monies and;

(d) the Policy of the Pension Services in relation to refusing to repay any claims for repayment of the weekly State Pension for those weeks subsequent to 6th April 2011, when the Pension Service had retained those monies.

In answer to question 1, the reply of 20 December sent by the DWP attached the documents available that set out the steps taken by DWP to identify and contact customers affected by the change in the law regarding State Pension deferral from April 2011. This includes the operational paper produced to identify the options available to contact the customers affected (BIB 23 11 - SP deferral changes), the note of the action points to take forward the proposals to contact customers (BIB2311 Action Points) and a copy of the timetable developed to manage the project to contact customers (BIB 23 11 PCN). These papers address parts 1(a) and 1(b) of question 1.

The reply of 20 December also included a copy of the papers sent to the Social Security Advisory Committee when the draft regulations were referred to the Committee as required by *section 172 of the Social Security Administration Act 1992*. These papers set out the Department's reasons for introducing the change to the regulations and explain what the changes mean for customers, which addresses parts 1(c) and 1(d) of question 1. These

papers also confirm the Department's intention to alert customers about the change.

The reply of 20 December also explained that the rules on paying a claim for a past period for State Pension, are generally limited to 12 months and this is set out in legislation (*Schedule 4 of the Social Security (Claims and Payments) Regulations 1987 (SI 1987/1968)*). This information is relevant to parts 1(c) and 1(d) of question 1.

You asked two further questions (2 and 3) in your Freedom of Information request. The reply of 31 January the DWP confirmed that the Department holds information falling within the descriptions specified in questions 2 and 3. However, as set out in that reply, the estimated costs of complying with these parts of your request exceed the appropriate limit of £600 for answering Freedom of Information requests. This is the limit specified in regulations and set for central Government. Under section 12 of the Freedom of Information Act this means the Department is not obliged to comply with your request. An explanation of what would be entailed in providing the information to answer questions 2 and 3, and the associated estimated costs of doing this, is set out below for each question in turn.

Q2. How many State Pensioners, that had opted to receive a Deferred State Pension, had their claims for repayment of the weekly State Pension, for the weeks from 6th April 2011 and up to 5th April refused; and what percentage was this of the total that had a Deferred State Pension in effect at 6th April 2011 and 5th April 2012.

A scan of the State Pension system would be required to identify the customers who had received a deferral payment and claimed in the relevant period. We have estimated without any further investigative action this would cost **£2021.70** if a normal Pensions Strategy Computer System scan is required. This is based on an assumption for the usual cost of three Hewlett Packard Enterprise Service (HPES) man-days for a scan. This includes the actual cost of Application Maintenance and Support man-days for scans, which is **£561.58** per day plus VAT (so in real terms approximately **£673.90** per day).

Following the scan, there would be an additional cost in staffing time to go through the scan results to examine each case and identify the specific type of customers requested. It is not possible to assess this as we do not know the number of cases a scan would produce although an estimated figure is that **130,700 cases** may need to be checked. We do not have an estimate of how long it would take to look at each case but given the size of the estimated caseload it would take many working days to complete the task.

This estimate exceeds the cost limit for dealing with a Freedom of Information request and the Department is not therefore obliged to process it further.

Q3. How many State Pensioners, that had a deferred State Pension in place as at 6th April 2011, have:

(a) complained to the Pension Service, before 6th April 2012, and have received any repayment of those monies and or compensation from the Pension Service:

The Feedback Handler system is the national tool for recording complaints. There is no category listed specific to deferrals. Whilst it has a category relating to legislation complaints there is no sub-set of data that could identify volumes. To answer this question would require examining every case listed for the root cause of complaint and review against the individual records held on the State Pension system to see if this met the criteria for the request.

We estimate this might take approximately 10 minutes per record.

It would take **323.76** working days to trawl through the 2011/12 complaints caseload of **14,064**.

This estimate exceeds the cost limit for dealing with a Freedom of Information request and the Department is not therefore obliged to process it further.

and:

(b) taken those complaints to an Appeal to HM Courts & Tribunal Service and received an award in their favour by an Order / Direction / Decision of the Tribunal.

Colleagues who handle appeals have interrogated their record system to try and obtain the answer to the question. Pensions began using the Appeals and Reconsiderations Tracker System (ARTS) as the tracking tool for monitoring Pension Appeals in December 2011 (for new cases only). Appeals data pre-November 2011 were held on the 'old' appeals tracking system. The appeals team have received confirmation that the old database is officially closed/deleted to comply with data protection requirements. This means data are not available for specific cases pre- December 2011.

ARTS collects limited case type information and does not collect the level of data that would be needed to identify the case types in the Freedom of Information request. To establish the level of detail covered in the Freedom of Information request, from December 2011 to April 2012, would mean taking the following steps:

- Run a report on ARTS to identify state pension appeals sent to HM Courts & Tribunal Service from December 2011 (carried out by an Executive Officer (EO), 2 hours)
- Identify which Pension Centre holds the case (450 cases x 20 minutes, carried out by an Administrative Officer (AO))
- Contact nominated officers in Pension Centres to ask them to obtain the case papers from storage for these cases (30 mins x 450 cases, by an AO)
- Each Pension Centre to send requests to storage to obtain (450 cases x 20 mins, by an AO). On average 3 requests can be made for case papers to be returned from storage.
- Pension Centres to send cases papers to the Pension Service Appeals team and to register that papers have been sent to the appeals team (by an AO, 450 cases x 20 mins)
- The Pension Service Appeals team to examine cases and log the cases that fall into the category mentioned (450 x 20 mins, by an EO).
- The Pension Service Appeals team to return the case papers to Pension Centres (By an AO, 450 x 10 mins)
- Pension Centres to return the cases back to storage (by an AO, 450 x 10 mins)

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