

# Freedom of Information request 2254/2259/2293/2013

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## Information request

*Your reply to the FOI request refers only to para 28 Section [1] you have omitted section [2] . Please clarify the enforcement procedures when the SOS does not produce a statement of reason for the outcome decision within 14 days or so following a legally correct request.*

*and*

*What consequences can a SOS [or a DM acting on his behalf] face if he does not comply with reg 28[2] of the SSCS[D&A] regs 1999.*

## DWP response

As with sub-para (1) (and the previous reply) there are no enforcement procedures if there is sub-para (2) failure. It is not because the words “or as soon as practicable afterwards” are interpreted to mean that the period is open-ended and so there can never be a failure, it is because if there is failure to respond to a request timeously then this would usually prompt the claimant to contact the department to find out what is happening – and this in turn would prompt action by the decision maker. Deliberately failing to act is in no one’s interest as it simply generates unwanted contacts and pressures. If there were repeated failures by the same individual then there are internal procedures which would be taken to remind that individual of his responsibilities.

Although a delayed response is unhelpful to the claimant, the law does provide that the time limit for seeking a revision or appeal is extended by 14 days from the date that the written statement is received – however long after the request the statement is provided. So any inconvenience is not wholly adverse in its effect.