

Freedom of Information request 2014-5491

Date received 30 December 2014

Date of response 5 February 2015

Information request

Could you please provide me with following information in relation to the Employment and Support Allowance (ESA) appeals process and outcomes.

1. The total number of assessments for ESA since the introduction of 'Mandatory Reconsideration' into the appeals process.
2. The number of claims following assessment that were later disputed by the claimant and which resulted in those claims being sent for mandatory reconsideration, and:
 - 3. The number of decisions upheld following mandatory reconsideration and the number of claims overturned in favour of the claimant.
 - 4. The number of claims still awaiting the outcome of a mandatory reconsideration.
5. The number of mandatory reconsiderations that were later disputed by the claimant and resulted in the next stage of appeal, and:
 - 6. The number of mandatory reconsiderations upheld following the next stage of appeal and the number overturned in favour of the claimant.
 - 7. The number of claims still awaiting the outcome of a the next stage of appeal following mandatory reconsideration.

(It would be helpful if you could provide the answers to these questions in both numerical and percentage terms).

If still within the maximum cost limit for FOI's, could you please also inform me as to:

- 8. The average time taken to reach a decision for mandatory reconsiderations in regard to ESA.
9. Any changes to the appeals process under Universal Credit.

DWP response

Please note we have added numbers to your questions for ease of response.

In response to questions 2, 4 and 8, section 21 of the Freedom of Information Act allows us to direct you to information which is already reasonably accessible to you. The Department produced a set of summary statistics on 'Mandatory reconsiderations of DWP benefit decisions' including more detailed data on Employment and Support Allowance (ESA), which can be found here:

<https://www.gov.uk/government/statistics/mandatory-reconsiderations-of-dwp-benefit-decisions-data-to-october-2014>

In response to question 1, the table below shows the total number of completed assessments for ESA by outcome since the introduction of Mandatory Reconsiderations on 28 October 2013.

Employment and Support Allowance: Outcomes of claims where functional assessments have been completed, Great Britain: 28 October 2013 – 30 June 2014

	Outcomes of claims where functional assessment has been completed		
	Entitled to Employment and Support Allowance:		Fit for Work
	Work Related Activity Group	Support Group	
Total	121,900	374,000	95,000

Source: Data in the table above is derived from administrative data held by the DWP and assessment data provided by Atos Healthcare.

Notes:

1. Figures are rounded to the nearest 100
2. Data includes new claims initial assessments, new claims repeats assessments and incapacity benefits reassessments (IBR)
3. Data is given up to 30 June 2014, which is the latest data available.
4. Data is based on the month of assessment where an assessment has been completed.
5. Figures presented relate to individuals. An individual may receive more than one Mandatory Reconsideration (MR) Decision on an aspect of their claim.

In response to question 9, I can confirm that there have been no changes to the mandatory reconsideration or direct lodgement for Universal Credit since time limits were introduced on 29 April 2014.

In response to question 3, as the statistics are intended for future publication this information is exempt from disclosure under the terms of Section 22 (Information intended for future publication) of the FOIA. This exemption is qualified, and is therefore subject to a public interest test where the Department considers whether the balance of the public interest falls in favour of withholding or disclosing the information requested.

Whilst disclosure would improve transparency in the operations of the Department, it is in the public interest to adhere to the existing publication process for official statistics to ensure that the publication of official information is a properly planned and managed process and that the data are accurate once placed into the public domain. It is also in the public interest to ensure that the information is available to all members of the public at the same time and premature publication could undermine this principle.

On this occasion, the balance of the public interest test falls in favour of withholding this information. As explained above, statistics on this issue will be published in due course.

DWP plans to incorporate information on mandatory reconsiderations into the relevant existing regular statistical publications. As each publication is ready, we will pre-announce the improvements in 2015 in accordance with the UKSA release protocols. We do not have a definite publication dates at this stage but we will pre-announce the agreed dates here:

<https://www.gov.uk/government/statistics/announcements>

In response to questions 5, 6 and 7, we can confirm that the Department does hold some information on appeals. However, we estimate that the cost of complying with your request would exceed the appropriate limit of £600.

The appropriate limit has been specified in regulations and for central Government it is set at £600. This represents the estimated cost of one person spending 3½ working days in determining whether the Department holds the information, and locating, retrieving and extracting the information. 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.

The Department does publish statistics on the outcomes of appeals heard on Fit for Work decisions in initial functional assessments (table 3) which can be found here:

<https://www.gov.uk/government/collections/employment-and-support-allowance-outcomes-of-work-capability-assessment>

You may be interested to know that the Ministry of Justice (MoJ) produce statistics on appeals which can be found here:

<https://www.gov.uk/government/statistics/tribunals-and-gender-recognition-certificate-statistics-quarterly-july-to-september-2014>

If you have any further questions about the MoJ statistics, information on how to raise a freedom of information request with them can be found here:

<https://www.gov.uk/government/organisations/ministry-of-justice>