

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 July 2023

Public Authority: Department for Work and Pensions
Address: Caxton House
Tothill Street
London
SW1H 9NA

Decision (including any steps ordered)

1. The complainant requested information from the Department for Work and Pensions (DWP), in the form of guidance and documents used by assessors when reviewing personal independent payments (PIP) applications.
2. The Commissioner's decision is that the DWP breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 19 December 2022, the complainant made the following request for information:

"1. Please provide all EBM / LiMA and any other guidelines/documents used for the condition by the assessor:

- CFS/ME, also known as chronic fatigue syndrome
- Fatigue from other causes including idiopathic fatigue
- Fibromyalgia
- Mental health conditions for which no other protocol/guidance exists
- Physical health conditions for which no other protocol/guidance exists.

2. And any other documents used for assessment of Employment Support Allowance or Personal Independence Payments.

3. Data on the number of female PIP applicants denied a claim on the first attempt.
4. Data on the number of male PIP applicants denied a claim on the first attempt.”
4. The DWP responded to the request for information on 10 March 2023.

Reasons for decision

5. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

6. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.
7. From the evidence provided to the Commissioner in this case, it is clear that the DWP did not deal with the request for information in accordance with FOIA. The Commissioner finds that the DWP has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

8. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

9. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
10. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF