

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 June 2020

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 (the DWP) regarding "safeguarding visits".
2. The Commissioner's decision is that the DWP failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The request was made on 31 January 2020 and the DWP did not issue a response until 8 June 2020. The Commissioner does not require the DWP to take any steps.

Request and response

4. On 31 January 2020, the complainant wrote to the DWP and requested information in the following terms:

"In light of concerns with regards to the case of [redacted] and that DWP staff visited [redacted] property twice carrying out "safeguarding" visit which didn't get any response from [redacted], I would like to ask the following:

What is the correct procedures DWP staff should follow after 2 failed "Safeguarding" Visits which haven't produced a response from a customer/claimant of the DWP?

Is there a blanket information sharing policy in place with regard to the DWP providing police claimants information when "Safeguarding" Visits fail so the police can carry out a 'Welfare Check' on the claimant?"

5. The DWP acknowledged the request on 31 January 2020.
6. The complainant contacted the DWP again on 29 February, 6 March and 16 March 2020 respectively, to chase the then outstanding response to their request.
7. The DWP wrote to the complainant on 31 March 2020 to apologise for the delays *"due to the current situation with COVID-19"*.

Scope of the case

8. The complainant contacted the Commissioner on 9 March 2020 to complain about the failure, by the DWP, to respond to the request.
9. In line with her modified casework practices during the coronavirus pandemic, the Commissioner contacted the DWP on 9 April 2020 to highlight the outstanding response and ascertain if they had capacity to respond to the request.
10. The DWP responded the same day to confirm that a *"huge"* amount of re-deployment had gone on, which was impacting the ability to action some requests, and that an update would be provided by 17 April 2020.
11. The Commissioner contacted the DWP again on 21 April 2020 to seek an update. The DWP explained that they were still trying to find capacity to draft a response to the request. There was reported difficulty in finding staff who both (a) had the capacity to draft a response to the request

and (b) who had not already been re-deployment to prioritised front-line services. Whilst the request was still being chased-up internally, the DWP were unable to provide a definitive timeline by which a response might be issued.

12. The Commissioner contacted the DWP once more on 21 May 2020. The DWP explained that they were still not in a position to respond to the request and said that wider service pressures were at a very high rate. This was having an impact on the DWP's ability to process information requests.
13. The scope of this notice and the following analysis is to consider whether the DWP has complied with section 10 of the FOIA.

Reasons for decision

14. Section 1(1) of the 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.*

15. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

16. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
17. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

18. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the DWP has breached section 10 of the FOIA.

Other matters

19. The Commissioner wishes to place on record her understanding of the immense pressures placed on public authorities during the coronavirus pandemic. She also acknowledges the disproportionate impact it has had on certain public authorities, including the DWP. She is sympathetic to the difficult decisions such authorities must make, between prioritising front-line services and continuing to meet their obligations under the FOIA.
20. The Commissioner notes, however, that a response to a request made on 31 January 2020 would be due several weeks before the worst of the coronavirus disruption began, and this has been a necessary consideration in her decision to issue this notice.

Right of appeal

21. 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: 0300 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

22. 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.
23. 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

Phillip Angell
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