

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 14 June 2022

**Public Authority:** Department for Work and Pensions

**Address:** Caxton House  
Tothill Street  
London  
SW1H 9NA

#### **Decision (including any steps ordered)**

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1. The complainant has requested information with regards to reviews into the deaths of claimants. The Department for Work and Pensions (the DWP) provided the information it held but the complainant considers more is held.
2. The Commissioner's decision is that the DWP has provided the information it holds.
3. The Commissioner does not require the DWP to take any steps.

## Request and response

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4. On 11 June 2021 the complainant made the following information request to the DWP:

“In your ref FOI2020/57824 dated 30th October 2020 you informed us a "Duty of care is strictly a legal term" and DWP "has no legal duty of care" to its sick and disabled customers. However you have also admitted to conducting over 200 secret reviews into the deaths of claimants over the last decade. (Source for public <https://www.disabilitynewsservice.com/dwp-admits-carrying-out-more-than-175-secret-reviews-into-benefit-deaths-in-nine-years/>)

FoI request part 1(A)

Since you say you have no duty of care, please kindly provide a copy of the document which obliges you to carry out these reviews into the deaths of claimants.

FoI request part 1(B)

Please kindly provide a copy of the document which obliges you to keep the above reviews secret.”

5. On 30 June 2021 the DWP responded providing the information within the scope of the first part of the request and stated that no information was held within the scope of the second part of the request.
6. The complainant requested an internal review on the 14 July 2021 with regards to the second part of the request, disputing the DWP’s position that no information is held.
7. The DWP provided its internal review on 6 August 2021 upholding its initial response.

## Scope of the case

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8. The complainant contacted the Commissioner on 6 August 2021 to complain that the DWP had not provided all the information requested.
9. The scope of the case is for the Commissioner to determine whether the DWP holds any further information within the scope of the complainant’s request.

## Reasons for decision

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### Section 1 of the FOIA – Information held / not held

10. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to him.
11. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).
12. The DWP has explained to the Commissioner that the reviews referred to in the complainant's information request are Peer Reviews (PRs) and Internal Process Reviews (IPRs) and the team who deals with them are within the Advance Customer Support (ACS) deputy directorate.
13. The complainant considers further information is held by the DWP, specifically in relation to part 1B of the request.
14. The link provided in the complainant's request talks about secret reviews being carried out and the complainant also stated to the DWP:

"There is a wide list of articles published by a variety of outlets referring to how you handle such cases as 'secret', 'secretive', 'shrouded in secrecy'. Your department must therefore be following a protocol and we want to see it."
15. The Commissioner sees it important to note that it is the article linked in the complainant's request that has used the term 'secret reviews' with regards to the IPRs, not the DWP.
16. The DWP has told the Commissioner that it does not routinely share IPRs or their conclusions. IPRs naturally include personal information about claimants which it is obliged to protect. The DWP state that the opinion that IPRs are secret is simply incorrect.
17. The DWP has told the Commissioner that it has searched again its records and has found no information that either expressly, or by implication, instructs staff to keep information secret.

18. The DWP has advised the Commissioner that it asked its current staff and colleagues who previously worked on the team to search their records and files which included centrally held and published information on its intranet and ACS files and folders, including personal emails. The DWP stated that any information it did hold within the scope of the request would be held electronically.
19. The DWP has stated to the Commissioner that it has concentrated its searches on the files and records of the teams who work in ACS because they both draft and process the reports referred to in the request and in addition they respond to FOI requests, Parliamentary Questions and briefing requests for information about IPRs.
20. The DWP has told the Commissioner that it has also checked with its main central FOI Team and no relevant information has been found.
21. The DWP has confirmed to the Commissioner that it used search terms such as:
  - Secret IPR/Internal Process Reviews (and Peer Reviews)
  - Releasing IPR/Internal Process Reviews (including publishing)
  - PR/Internal Process Reviews FOIs (and Peer Review FOI)
22. Additional search terms "Do not share", "Do not release", "Keep Secret", "Secret" were used.
23. The DWP has told the Commissioner that no information relevant to the request has been deleted or destroyed, and that there is no business purpose to create such information.
24. The Commissioner has reviewed the above responses from the DWP and considers it has carried out relevant searches to determine whether information is held.
25. Having considered the above, the Commissioner finds, on the balance of probabilities, that the DWP holds no further information within the scope of the complainant's information request to that which was disclosed.

## Right of appeal

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26. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

27. 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.
28. 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 .....**

**Ben Tomes**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**