

Alison Pickup  
Legal Director  
The Public Law Project

Operations FoI Team  
Caxton House  
Tothill Street  
LONDON  
SW1H 9NA

[www.gov.uk](http://www.gov.uk)

29 June 2017

**FOI 2125**

Dear Alison Pickup,

Thank you for your Freedom of Information request received on 18 May 2017. You asked for :-

We are writing to seek clarification of the performance measures described in this FOI response. In particular, please would you clarify:

- (1) Whether the target of 80% of the original decisions upheld is a measure of the performance of (a) the team carrying out MRs or (b) the team which made the original decision?
- (2) What are the consequences, in terms of rewards or incentives, if any, for (a) the MR team (b) the original decision maker of achieving this target?
- (3) What are the consequences, in terms of performance management, for (a) the MR team (b) the original decision making teams of not achieving this target?
- (4) What is the 'target' time for considering an MR application for the purpose of the 90% target?
- (5) Does the figure for 'upheld' decisions include cases where the MR request is refused on the grounds it was made late and an extension of time is not warranted?
- (6) If the answer to (5) is no, in what proportion of cases was an MR request refused on the grounds that it was made late and an extension of time was not warranted?

Please provide a copy of any relevant policy or guidance to (a) original decision makers and/or (b) MR decision makers concerning these performance measures.

In addition to the above, to the extent that the Department holds such information, please provide the following information:

- (1) In what percentage of cases in which the MR decision was to uphold<sup>1</sup> the original decision did the claimant lodge an appeal with the First-tier Tribunal?

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<sup>1</sup> As defined in the FOI response i.e. where the decisions "have either been unfavourable to the claimant or where the previous decision has been maintained"

- (2) In what percentage of appeals was the outcome of the appeal favourable to the claimant?
- (3) Are there any performance measures for original decision makers and/or MR decision makers respecting the number of decisions which are upheld or overturned by the First-tier Tribunal?

## **DWP Response**

- (1) The 80% of original decisions upheld measure is an internal one used as an indicator of the quality of the original decision *made by the department* against the expectation that we will get the decision right at the earliest part of the process. We use the information, including feedback on cases overturned, to inform our learning requirements for the teams making the original decision.
- (2) There are no consequences, rewards or incentives for either (a) the MR team or (b) the original decision maker relating to achieving the internal measure. Information from monitoring is used to understand and improve the quality of decision making.
- (3) There are no consequences in terms of performance management for (a) the MR team or (b) the original decision making teams relating to not achieving the measure. Information from monitoring is used to understand and improve the quality of decision making.
- (4) The internal measure for the purpose of monitoring processing times is 90% over a range from 10 to 20 days and is aimed at delivering a timely service.
- (5) The figure used for upheld decisions does include late requests for the majority of DWP benefits, however we would be unable to specify whether the upheld decision was as a result of the late claim request being refused.
- (6) We can confirm that the Department does hold some information falling within the description specified in your request. 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 (FOIA) the Department is not obliged to comply with your request and we will not be processing your request further.

Under section 16 of the FOIA we are obliged to assist you in providing options to narrow your request, by reforming or refocusing it, so that it will fall beneath the cost limit. However in this instance as your request is so specific there would be no data we could offer within the cost limit which would closely match your original request.

There is no specific published policy or guidance on these performance measures.

And also:

- (1) The Department is unable to provide data on the number of claimants who have lodged an appeal following an upheld mandatory reconsideration (MR) decision, as not all appeals received are as a result of a MR being upheld.

We can however supply the number of appeals received as a result of MRs decided and for April 2016 to March 2017 the DWP total was 34%.

- (2) As data you requested is publicly available, Section 21 of the Freedom of Information Act allows us to direct you to information which is already reasonably accessible to you. In this instance, appeal outcome data is available within the published statistics and can be found using the following link (Main tables (January to March 2017) tab SSCS.3).

<https://www.gov.uk/government/statistics/tribunals-and-gender-recognitions-certificates-statistics-quarterly-january-to-march-2017-and-2016-to-2017>

- (3) For the purposes of improving the quality of decision making and training, DWP monitors the percentage of Appeals upheld by the First-tier Tribunal with a performance measure of 80% but does not operate any specific targets.

**Sources used for question 1:**

RDA/RAA 60209 & 60205 reports

Pensions computer system

Business Objects reporting tool (BOXI)

Business Analytics software

Decision Making and Appeals Case Recorder (DMACR)

The above data sources are Departmental performance management, data capture and reporting tools. This type of internal management information does not form part of the official statistics outputs that are released by the Department in accordance with the UK Statistics Authority's Code of Practice.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Operations FOI Team

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**Your right to complain under the Freedom of Information Act**

If you are not happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk) or by writing to DWP, Central FOI Team,

Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF [www.ico.org.uk/Global/contact\\_us](http://www.ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745