

Sent by email only to:  
[john@disabilitynewsservice.com](mailto:john@disabilitynewsservice.com)

22 February 2017

Dear Mr Pring

**Freedom of Information Act 2000 (FOIA)**  
**ICO case reference: FS50639052**  
**Complaint against: The Department for Work and Pensions (DWP)**

Thank you for taking my call today; it was a pleasure to speak to you.

As discussed, DWP is maintaining its position that the information is not held and that the interpretation of the request is confined to information held centrally by DWP.

DWP has explained to the Commissioner that from February 2012, peer reviews were managed centrally with all information held in one place.

DWP further explained that recommendations appropriate to a national process were passed to the relevant Customer Journey team for consideration. Customer Journey teams owned the products and services within a particular benefit or work area. Recommendations appropriate to a single office were passed to the One Service Network (OSN) chair for action. One Service Networks bring together senior managers from operational arms of the business within a geographical area to work together to improve customer service. The chair would decide who should consider the recommendation.

DWP has explained that records concerning these communications were not retained and no requirement was in place to track subsequent actions taken. DWP also explained that there is no statutory requirement to retain information as peer reviews were a voluntary internal process.

DWP stated that changes have been made in areas covered by the Peer Review recommendations, although these were not as a direct result of those recommendations.

DWP confirmed that it has searched the centrally held files and no information falling within the scope of the request had been identified.

As discussed, the Commissioner considers the scope of the request to include all information held across DWP recording actions taken following receipt of a peer review recommendation. The Commissioner informed DWP of this and asked it to perform appropriate searches in the business areas identified by the peer reviews.

DWP responded and explained that since 2012, there have been considerable organisational changes within DWP including significant re-deployment and the departure of some 20,000 staff. It set out that it is possible that the specific information requested exists outside of the central records, however, given the intervening time period, confirming whether or not it is held would involve tracking the individuals who may hold the information which would be costly.

DWP also explained that the intervening time will also have incurred attrition with regard to document retention due to the ephemeral nature of internal communications. DWP further explained that if the recommendations referred to a local need or general raising awareness of guidance then action would have been taken at the time, with no need to maintain long term records. As these recommendations did not impact DWP policy in this area there was no requirement to take steps to preserve information for a longer period of time. DWP therefore considers that it is unable to provide details of timely action taken as a direct result of the relevant recommendations.

The Commissioner considers that information held locally by DWP business areas, regarding action taken following a recommendation, falls within the scope of the request. I shall, therefore, write again to DWP to request that it performs the searches requested in my previous letter. As discussed, DWP may wish to rely on section 12 as it considers these searches to be "costly". If DWP does wish to rely on section 12, the Commissioner will seek a further submission regarding this.

The Commissioner will also seek clarification from DWP regarding which recommendations were directed towards local business areas and which were directed at national/policy areas.

As also discussed, the Commissioner's remit does not extend to deciding what information a public authority must hold. Whilst she does find the lack of requirement for confirmation of action highly unusual following a peer review of such sensitive cases, she is not in a position to issue a decision that DWP should have required feedback in these cases.

The Commissioner's decision on whether information is held is based on the balance of probabilities. She must make her decision on the evidence provided to her. This includes the reasons a complainant has for believing the information is held and the public authority's explanation and searches performed.

As set out above, I shall write again to DWP requesting further searches are performed and I shall contact you again as soon as I am able to

provide a substantive response. Please do not hesitate to contact me should you wish to discuss this case further.

Once again, thank you for your patience with this case.

Kind regards

**Victoria Parkinson**  
**Case Officer – Performance Improvement**