



Department
for Work &
Pensions

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Our Ref: FOI2020/03252
ICO Ref: IC-48363-C8Q5

26 April 2021

Dear Owen Stevens,

Thank you for your Freedom of Information (FoI) request originally received on 24 January 2020. You wrote:

"This FOI refers to reporting here: <https://www.disabilitynewsservice.com/the-death-of-errol-graham-man-starved-to-death-after-dwp-wrongly-stopped-his-benefits/>

The story reports various comments by an assistant coroner, including the following:

The assistant coroner said: "There simply is not sufficient evidence as to how he was functioning, however, it is likely that his mental health was poor at this time - he does not appear to be having contact with other people, and he did not seek help from his GP or support agencies as he had done previously."

[...]

But she decided not to write a regulation 28 report demanding changes to DWP's safeguarding procedures to "prevent future deaths" because the department insisted that it was already completing a review of its safeguarding, which was supposed to finish last autumn.

Please send me:

- a) The terms of reference or any similar document setting out the scope of the review referred to in that news story
- b) The results of the review referred to in that news story"

DWP Response

We have received the Decision Notice from the Information Commissioner's Office (ICO) regarding their investigation into our response to this request (ICO Case Reference: IC-48363-C8Q5). We accept the findings of Victoria Parkinson, Senior Case Officer, that the Department failed to fully consider and respond to your request. Following her decision, we have looked again at the request and confirm that we hold some information relating to your original request and are now in a position to provide you with the following held information:

Request Part A

The Decision Notice reiterates that the request for the terms of reference, or any similar document setting out the scope of the review in question, does not need to be held in a formal terms of reference document.

As previously submitted in our evidence to the ICO, the review of safeguarding cited in this FoI referred to ongoing conversations within the Department to develop its approach to improving safeguarding measures to support vulnerable claimants. Internal stakeholder groups taking part in these discussions participated without formal review roles, and no terms of reference, scoping paper or plan were created or used.

Following the ICO's decision, we have looked again at the request to supply 'any information setting out the scope of the review'. On the basis of the definition previously supplied and acknowledged in our correspondence with the ICO, we are able to provide you with a meeting invitation from December 2018 (Attached as **Annex A**). This invited departmental stakeholders to a series of meetings to review our policy and instructions for customers who declare an intention to attempt suicide or self-harm. As previously stated in our evidence to the ICO, the ensuing conversations aimed to identify areas for improvement, and included participants' perspectives and experiences. Please note that the identities of the civil servants who were invited to these meetings have been redacted, in line with Section 40(2) of the FoI Act.

Section 40(2) exempts information in response to a request if it is personal data belonging to an individual other than the requester and it satisfies one of the conditions listed in the legislation. In this case the condition contained in section 40(3A)(a) applies - that disclosure would breach one of the data protection principles, specifically that "Personal data shall be processed lawfully, fairly and in a transparent manner...".

We do not consider that disclosing this information is necessary or justified in order to satisfy your information request and the requirements of the FoI Act. In relation to this request, we consider that there is no strong legitimate interest that would override the prejudice to the rights and freedoms of the data subject.

Personal data are subject to General Data Protection Regulation (GDPR) and the Data Protection Act 2018

Request Part B

The invitation supplied in response to Request Part A (**Annex A**) mentions two pieces of work – the review conversations mentioned above, and putting in place policy and instructions around safeguarding arrangements for citizens whom DWP staff feel may be at risk of harm. As mentioned in the invitation, policy and instructions would later be supplied for those invited for them to feedback-on.

The conversations around improving the Department's safeguarding measures (the review referred to in the FoI) initiated by this invitation are still ongoing. However, the invitation refers to the two pieces of work as 'separate but linked' – there being clear overlap between reviewing all current policy and instructions (i.e. the Department's approach to improving safeguarding measures), and the task of putting in place policy and instructions for staff who have concerns about a customer's safety.

The Decision Notice notes that, as we have confirmed that the review identified various areas of work to be taken forward, the Senior Case Officer considers these areas to constitute the results of the review. Therefore, in the light of her decision to request work that falls within this scope, we are able to supply you with 'Guidance – Helping Customers Who Require Advanced Support' (Attached as **Annex B**). This internal guidance document was developed during 2020 and shared on our staff intranet on 24 March 2021; it was not in existence at the time when your original FoI request was made, hence why it was not provided to you in response to your original FoI or subsequent Internal Review requests IR2020/07676. It draws together and updates previous policy and instructions on advanced customer support; the prominence of certain themes within its structure was partly determined by the work initiated by the invitation in **Annex A**.

We can confirm that we hold summaries of the ongoing discussions on advanced customer support, and other pieces of work currently under development which have arisen from them, however, we are engaging an exemption from disclosure because it relates to the formulation or development of government policy – Section 35(1)(a) of the Freedom of Information Act. This exemption protects the private space within which Ministers and their policy advisers can develop policies without the risk of premature disclosure.

As required by the Act, we have also assessed the public interest for against disclosure. There is a public interest in greater transparency which makes government more accountable to the electorate and increases trust. There is also a public interest in being able to assess the quality of advice being given to ministers and subsequent decision making.

However, good government depends on good decision-making and this needs to be based on the best advice available and a full consideration of all the options without fear of premature disclosure. If this public interest cannot be protected there is a risk that decision-making will become poorer and will be recorded inadequately.

On balance, DWP is satisfied that in this instance the public interest in maintaining the exemption outweighs the public interest in disclosure. Therefore, the information you seek will not be released.

We do however believe that this internal guidance, which we are happy to share with you, falls within the scope of the outcomes of the review – as defined by both parties.

Please note that the email address of policy owner for this document has been withheld as this constitutes personal data of someone other than yourself and as such, it is being withheld in accordance with Section 40(2) of the FoI Act.

The wording on the use of Section 40(2) exemption is the same as outlined in response to Request Part A (found on page 2 of this response) we have therefore not repeated this text.

Other matters

Finally, in the 'Other matters' section of the Decision Notice, the Senior Case Officer expressed disappointment in the quality of our consideration of this request and its subsequent review. We would therefore like to apologise that our engagement fell beneath the standards you would expect from the Department. We have taken on board the Senior Case Officer's comments regarding our consideration of all information that falls within the scope of a request – not just that which is held in formal documents or uses specific terms.

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

Yours sincerely,

DWP Central Freedom of Information Team
Department for Work and Pensions

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.gov.uk or by writing to: DWP Central FoI Team, Caxton House, 6-12 Tothill Street, London, 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. Website: [ICO Contact Information](#) or telephone 0303 123 1113.