



# Public Law Project

The Rt Hon Damian Green MP  
Secretary of State for Work and Pensions  
Caxton House  
Tothill St  
London  
SW1H 9NA

Your Ref: 1740  
Our Ref: AP  
Date: 16 May 2017

CC: DWP Central Freedom of Information Team  
By email only: [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk)

Dear Secretary of State

**Re: KPIs for mandatory reconsideration of benefit decisions**

I am writing further to the publication yesterday of a response by your department to a Freedom of Information ('FOI') request regarding "Key Performance Indicators which apply to DWP around the handling of mandatory reconsiderations of benefit decisions". According to the FOI response:

"The key measures which are used by the Department for Work and Pensions to monitor Mandatory Reconsideration (MR) performance are:

- a) 90% to be cleared within target
- b) 80% of the original decisions are to be upheld

The performance measures for April 2016-March 2017 are:

% MR cleared within target = 70.2%

% MR Original Decision upheld = 87.5%"

PLP is deeply troubled by the apparent imposition of a performance target on MR decision makers to uphold 80% of original decisions. We are also concerned by the high proportion of MR decisions which uphold the original decision given this performance target and in a context in which (a) the number of appeals fell significantly after the introduction of mandatory reconsideration<sup>1</sup> (b) the

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<sup>1</sup> <https://www.gov.uk/government/news/minister-welcomes-sharp-fall-in-appeals-against-benefit-decisions>

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percentage of appeals which succeed is 38%, and as high as 63% where a representative is involved in the appeal.<sup>2</sup>

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>3</sup> the original decision did the claimant lodge an appeal with the First-tier Tribunal?
- (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?

Please treat the above as a request under the Freedom of Information Act if necessary.

Please respond to these requests within 20 working days as required by FOIA. For the avoidance of doubt, we calculate that the date by which you must respond is 14 June 2017.

Yours faithfully

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<sup>2</sup> This figure relates to 2012-13 and is taken from <http://www.cpag.org.uk/sites/default/files/CPAG-Winning-Benefit-Appeal-contents-sample-chapter.pdf>

<sup>3</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"



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