

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 November 2024

Public Authority Address: Department for Work and Pensions
Caxton House
Tothill Street
London
SW1A 9NA

Decision (including any steps ordered)

1. The complainant requested information relating to a Debt Management Vulnerability Framework from the Department for Work and Pensions (DWP). DWP refused to comply with the request as to do so would exceed the appropriate limit at section 12(1) (cost of compliance exceeds appropriate limit) of FOIA.
2. The Commissioner's decision is that DWP was entitled to rely on section 12(1) to refuse to comply with the request.
3. The Commissioner also finds that DWP complied with its section 16(1) obligation to offer advice and assistance in relation to the request.
4. No further steps are therefore required.

Request and response

5. On 19 March 2024, the complainant originally requested the following information from DWP:

“See

<https://assets.publishing.service.gov.uk/media/65f2f3d3fa1851001a011727/additional-support-for-DWP-customers.pdf>

That document refers to a DWP Debt Management Vulnerability Framework. Please provide that framework.”

6. On 5 April 2024, the request was refused by DWP on the basis of section 12 of FOIA. It explained:

“the document referred to as a ‘Framework’ ... is an online resource provided via the Department’s intranet. This Hub ... provides numerous links to a wide range of advice, guidance and support to assist DWP Debt Management colleagues in offering the most appropriate help possible to those who are vulnerable or at risk of becoming vulnerable”.

7. As regards advice and assistance under section 16, DWP also said, “your overall request is so broad and the topics, links and guidance covered are so extensive, we are not able to provide adequate advice on how you can narrow your request.”

8. On 5 April 2024, the complainant narrowed the request as follows (and it is this request that is the subject of this Decision Notice):

“I would like to narrow the request.

The document linked to in my original request states that DWP use the Government Debt Management Vulnerability Toolkit. This appears to be available here: <https://www.gov.uk/government/publications/public-sector-toolkits>

The Government Debt Management Vulnerability Toolkit includes this guidance: <https://www.gov.uk/government/publications/public-sector-toolkits/debt-management-vulnerability-toolkit-for-service-and-policy-managers-v2-html#providing-appropriate-support>

I assume that DWP's Debt Management Vulnerability Framework follows a similar structure.

Please provide the guidance in the DWP Debt Management Vulnerability Framework relating to providing appropriate support. This will cover the support, flexibility and forbearance that DWP can offer

once an individual has been identified as vulnerable. It will exclude guidance focused primarily or solely on defining vulnerability, identifying vulnerability, having conversations, recording vulnerability, signposting, helping individuals access money guidance, staff resilience, or monitoring and improvement.”

9. On 24 April 2024, the request was again refused by DWP on the basis of section 12(1) of FOIA. As regards advice and assistance in section 16, DWP suggested the request be narrowed further. Therefore, DWP asked the complainant to describe in as much detail as possible the types of complex needs or types of support for which he was seeking guidance. DWP also provided the complainant with copies of its high-level policies in the area of Benefit Overpayment (via a link¹).
10. DWP did not receive a further narrowed request from the complainant. Instead, the complainant requested an internal review on 14 May 2024, without providing any reasons why he was unhappy with the response of 24 April 2024.
11. In an internal review response on 3 June 2024, DWP maintained its response to rely on the cost exemption in section 12 of FOIA. DWP repeated its suggestion, given on 24 April 2024, of how the complainant could narrow his request.

Scope of the case

12. The complainant contacted the Commissioner on 17 June 2024 to complain about the way their request for information had been handled saying:

“I do not accept that providing the requested guidance would breach the cost limit. The request is focused solely on specific areas of the Government debt management vulnerability framework (assumed to be a model for the DWP framework). No basis for DWP's cost estimate has been provided.”
13. The Commissioner considers that the scope of his investigation is to determine whether DWP was entitled to refuse to comply with the request by way of section 12(1) of FOIA. The Commissioner will also

¹ <https://www.gov.uk/government/publications/benefit-overpayment-recovery-staff-guide/benefit-overpayment-recovery-guide>

consider if there has been a breach under section 16 (advice and assistance) of FOIA.

Reasons for decision

Section 12 – cost of compliance exceeds appropriate limit

14. Section 12(1) of FOIA states that a public authority is not obliged to comply with a request for information if it estimates that the cost of complying with the request would exceed the appropriate limit.
15. When considering whether section 12(1) applies, the public authority can only take into account certain costs, as set out in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ('the Regulations'). These are set out at Regulation 4(3) and are:
 - (a) determining whether it holds the information,
 - (b) locating the information, or a document which may contain the information,
 - (c) retrieving the information, or a document which may contain the information, and
 - (d) extracting the information from a document containing it."
16. The appropriate limit is set in the Regulations at £600 for central government, legislative bodies and the armed forces and at £450 for all other public authorities. The appropriate limit for DWP is £600.
17. The Regulations also specify that the cost of complying with a request must be calculated at the rate of £25 per hour. This means that DWP may rely on section 12 where it reasonably estimates that complying with the request would take longer than 24 hours, or 1440 minutes.
18. If the public authority estimates that compliance with one part of the request would exceed the appropriate limit, it is not obliged to comply with the entire request. There is no public interest to consider. When dealing with a complaint to him under FOIA, it is not the Commissioner's role to make a ruling on how a public authority deploys its resources or how it chooses to hold its information.
19. A public authority does not have to make a precise calculation of the costs of complying with a request; instead, only an estimate is required. However, it must be a reasonable estimate. In accordance with the First-tier Tribunal decision in the case of *Randall v IC & Medicines and Healthcare Products Regulatory Agency* (EA/20017/0004), the

Commissioner considers that any estimate must be “sensible, realistic and supported by cogent evidence”.

20. Where a public authority claims that section 12 of FOIA is engaged it should, where reasonable, provide advice and assistance to help the requester refine the request so that it can be dealt with under the appropriate limit, in line with section 16 of FOIA.

Would the cost of compliance exceed the appropriate limit?

21. As is the Commissioner’s practice, during the course of his investigation, he asked DWP to provide a more detailed explanation of its position and to provide more detailed information about its costs and any sampling exercises undertaken.
22. DWP explained in its submissions to the Commissioner that the document referred to as a ‘Framework’ in the Additional Support for DWP Customers document² (which was referred to by the complainant in his original request in March 2024), was in fact an online resource provided to DWP staff via a Hub on DWP’s internal intranet.
23. DWP explained that the Debt Management Vulnerability Framework Hub consists of a vast collation of information which includes a library of links to help DWP staff navigate to areas of debt management guidance, generic DWP guidance and publicly available guidance. DWP explained that the Hub therefore assists DWP debt management staff in offering the most appropriate help to those who are vulnerable or at risk of becoming vulnerable and to help support customers with various complex needs, who are considered at risk of vulnerability.
24. DWP provided the Commissioner with a screenshot of the Hub’s homepage. It explained to the Commissioner that the homepage of the Hub contains 9 separate main headings - offering advice on topics including, for example, Bereavement, Money and Financial Support, Domestic Abuse, Learning Difficulties, Accessibility and Advanced Customer Support. DWP further explained that the Hub also provides links to multiple District Provision Tools (DPTs) – which DWP explained were a localised directory of the content and support delivered by Jobcentre Plus, Education and Skills Funding Agency, Skills Development Scotland, Careers Wales other providers, local authorities, independent, volunteer and charity organisations across the country. DWP advised that there are 37 separate DPT’s covering every Jobcentre District

² <https://assets.publishing.service.gov.uk/media/65f2f3d3fa1851001a011727/additional-support-for-DWP-customers.pdf>

across the network and that this part of the Hub currently has around 14,000 pages in totality.

25. DWP went on to explain that the 9 main headings, referred to in para 24 above, contained 32 subheadings. DWP provided the Commissioner with screenshots of one of these subheadings (Debt Management Special Notifications under the main heading of Accessibility) and DWP explained that this subheading in turn contained a further 11 sub-subheadings. DWP explained that one of these 11 sub-subheadings (Debt Centre Guidance A-Z) had 207 links to further guidance.
26. The Commissioner is satisfied from DWP's explanations and from viewing the screenshots provided by DWP that, on their face, the subject matter of the headings in the screenshots fall within the scope of the complainant's narrowed request – they contain debt management guidance relating to providing appropriate support relating to the support, flexibility and forbearance that DWP can offer once an individual has been identified as vulnerable.
27. By way of a sampling exercise requested by the Commissioner as part of his investigation, DWP explained to the Commissioner that to extract and prepare/collate the information for the sub-subheading referred to in para 25 above (Debt Centre Guidance A-Z) would take approximately 6.9 hours. This was based on an estimated 3 minutes per link to open it and extract the information.
28. Based on this sampling exercise, and DWP's need to repeat that process for the links, sub links or subpages of the other relevant parts of the Hub, DWP estimated that it would take over 7 working days (or over 48 hours) to extract and collate any information that fell in scope of the request. This was on the basis that each link would need to be opened on the Hub, the information extracted and prepared for release – at an estimated 3 minutes per link, sub link or subpage.
29. Overall, DWP's view is that to search for the information in the refined request would far exceed the threshold of 24 hours. DWP has confirmed that the estimate is based on the quickest method of gathering the requested information because a request of this nature, (i.e. to print out vast numbers of pieces of information from DWP's intranet) is not something that DWP's systems had been designed to accommodate.
30. The Commissioner agrees with DWP that the cost of extracting and collating the information requested in the refined request would exceed the appropriate limit.
31. The Commissioner accepts that the situation is more complex, and the work required by DWP more involved, than is apparent from the name of the document requested - DWP Debt Management Vulnerability Framework. He is satisfied that the bulk of the three minutes per link

would be spent on extracting the information on the basis that DWP would have to review the guidance to determine whether it falls within the specific exclusions that the request sets out.

32. The Commissioner also recognises that there will be occasions (such as this one) where information falling within the scope of a request is so broad that it would be impossible to quantify the total cost of compliance. In such circumstances DWP has picked one part of the information in scope on the Hub and tried to estimate the cost of extracting that information. DWP has demonstrated that extracting and collating one sub-subheading of the Hub both would incur a significant cost but would not come close to providing all relevant information (because DWP would need to repeat that process for the other relevant links, sub links or subpages of the Hub).
33. Given the large amount of information requested, the wide nature of the request, the way the information is held as an online resource provided via DWP's intranet and the number of links, sub links or subpages involved, the Commissioner is not convinced that responding to this request could realistically be brought down to a reasonable size to bring it within the cost limit.
34. On its face, DWP's estimate of over 7 days' work (or 48 hours) is well above the 24 hour limit. With this in mind the Commissioner is persuaded that complying with this request would exceed the appropriate cost limit.
35. Complying with the request would therefore exceed the cost limit and so the public authority was entitled to rely on section 12(1) of FOIA to refuse the request.

Section 16 – advice and assistance

36. When refusing a request under section 12, a public authority needs to offer reasonable advice and assistance to the requester. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45 code of practice³ in providing advice and assistance, it will have complied with section 16(1).
 37. The aim of this advice and assistance is to help the requester refine their request to one that can be dealt with within the appropriate limit. The
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³ <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

Commissioner notes that in its response of 24 April 2024 and internal review response, DWP advised the complainant how the information was held by it (on a Hub on its intranet) and therefore to avoid the complainant making future futile requests, DWP suggested he narrow the request by describing in as much detail as possible the types of complex needs or types of support for which he was seeking guidance.

38. The Commissioner considers that these appear to be appropriate suggestions in the circumstances.
39. The Commissioner therefore considers that DWP complied with its obligations under section 16 to provide adequate advice and assistance during its handling of the complaint. The Commissioner would encourage the complainant to refine his request in the way suggested by DWP.

Right of appeal

40. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

41. 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.
42. 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

Victoria Parkinson
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF