



Rt Hon Frank Field MP  
Chair  
Work & Pensions Committee  
14 Tothill Street  
SW1H 9NB

29 November 2017

Dear Frank,

### **ESA AND PIP ASSESSMENTS INQUIRY**

Thank you for your letter of 25 October, concerning the Work & Pensions Committee's inquiry into ESA and PIP assessments.

I am sorry you did not receive a reply to your previous letter to the Ministry of Justice, requesting data on Personal Independence Payment (PIP) appeals, as part of your then inquiry into PIP. Unfortunately, there is no record of it having been received in my Department.

As part of the Committee's current inquiry into PIP and ESA assessments, you have requested data on PIP and ESA appeals. I can confirm that the data requested at points (1) and (4) of your letter are available. The data requested at point (1) will be included as an ad hoc publication as part of the next quarterly tribunal statistics publication on 14 December. The data requested at point (4) are published as part of the quarterly tribunal statistics. We will provide the Committee with public links to the data, so that they can be referred to in evidence, and used in any subsequent publications.

The data requested at point (2) of your letter are not held electronically and the Tribunal's files are generally destroyed after six months in line with published retention policies. The exercise required to retrieve the data from the files which are still held could only be done at disproportionate cost, as it would have to be by manual examination of each file.

The information requested at point (3) is not collected by my Department. Decisions on benefit entitlement are made by the Department for Work and Pensions (DWP), and the tribunal does not record which assessment provider provided the assessment for the original DWP decision on benefit entitlement. An appeal can only be made to the Tribunal once that original decision has been reconsidered and upheld by a second DWP decision maker.

The data requested at point (5) are not available as the cost of a specific type of appeal cannot be identified in isolation from that of other types of appeal. Costs are calculated by dividing the totality of

expenditure on all types of appeal generally, including such overheads as staff, judicial and estates expenditure, by the number of appeals which are disposed. The result is the average unit cost of a wide range of appeal types with varying characteristics, such as the complexity of the issue in dispute and the composition of the tribunal panel which decides the case. Further details are provided as an annex to this letter.

Yours ever,  


**DOMINIC RAAB**

## Annex A

### Costs of appeals in the First-tier Tribunal for Social Security and Child Support

Period	Individual cost of an appeal	Total Expenditure in £000s <sup>1</sup>	Total Disposals <sup>2</sup>
2013/14	£258	£140,040	543,609
2014/15	£579	£87,357	150,978
2015/16	£591	£92,554	156,535
2016/17	£543	£103,115	190,071

<sup>1</sup>Total costs to HMCTS. Costs in relation to the public purse are not held by HMCTS.

<sup>2</sup>Disposals include cases cleared with, and without, a hearing.

Although care is taken when processing and analysing the data, the details are subject to inaccuracies inherent in any large-scale case management system and are the best data available.

HMCTS records information in a way that allows analysis and interrogation of management data in respect of the operation of the Courts and Tribunal Service. We do not require the SSCS tribunal to be analysed by benefit type and therefore this information is not held. The unit cost of cases is dependent on a number of factors including benefits policy and the complexity of individual cases. The increase in the average cost of an appeal from 2014/15 was due to a change in the mix and volume of cases that the SSCS tribunal receives. Personal Independent Payment (PIP) appeals now comprise a much larger proportion of the caseload. PIP cases require more members on the tribunal panel, which increases the average cost. The total Tier 1 SSCS tribunal costs divided by the number of disposals in the SSCS Tier 1 tribunal provides a high level estimation of the average annualised costs of the tribunal over a four year period.

We do not record the cost of the SSCS Tier 2 (the upper tribunal). These tribunals are reported in aggregate as there are significant levels of fixed costs within the upper tribunal which prevents any meaningful figure being produced.