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Our ref: PQ/10/7569

Mr Graham Evans
House of Commons
London
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20 September 2010

Dear Mr Evans

The response provided in the Written Answer given to the Hon Member for Weaver Vale at Official Report 7 September 2010: Column 397W did not contain information relating to all of the Non-Departmental Public Bodies as this was not available at the time. This information is now available and the response provided has now been updated to incorporate this and is attached.

I am placing a copy of this letter in the Library.

With best wishes,

Rt Hon Chris Grayling MP
Minister for Employment



PQ 7569 (published in Hansard 7 September, column 394w)

To ask the Secretary of State for Work and Pensions, how much (a) his Department and its predecessors and (b) its agencies and non-departmental public bodies spent on legal advice in each year since 1997. [7569]

The answer was published in Hansard without all non-departmental public body data, which was not available at the time. I have reproduced the table below to include this data, which is now available.

DWP Legal Category Spending by Year

Year	Spend
2010/11	£5,024,098
2009/10	£22,018,223
2008/09	£18,854,926
2007/08	£18,864,410
2006/07	£14,851,405
2005/06	£18,564,671
2004/05	£15,444,475
2003/04	£17,263,198

*The 2010/11 spend is for the period 1st April to 30th June 2010.

DWP's (including Child Maintenance and Enforcement Commission) costs for external legal advice are shown in the table above. They are captured under a range of existing commercial contracts. Prior to 2003, this information was not held centrally and could only be provided at disproportionate cost.

Body	1997 to 2002	2002/3	2003/04	2004/05 £	2005/06 £	2006/07 £	2007/08 £	2008/09 £	2009/10 £
Child Maintenance and Enforcement Commission	-	-	-	-	-	-	-	1,161,000	1,161,000
Health and Safety Executive	-	2,534,539	3,808,111	4,047,071	4,166,872	4,411,027	4,091,135	6,886,350	8,645,694
Independent Living Fund	-	-	-	-	118,263	149,815	95,353	161,472	185,654
Pension					255,674	295,647	368,975	880,061	719,776

Body	1997 to 2002	2002/3	2003/04	2004/05 £	2005/06 £	2006/07 £	2007/08 £	2008/09 £	2009/10 £
Protection Fund									
Personal Accounts Delivery Authority	-	-	-	-	-	-	13,000	859,000	3,888,000
The Pensions Advisory Service	-	-	-	14,512	12,803	551	28,355	29,747	36,768
The Pensions Regulator	-	-	-	-	-	-	571,591	1,069,888	2,362,604
Pensions Ombudsman	-	-	-	-	-	-	39,252	45,000	35,698
Pension Protection Fund Ombudsman									
Disability Employment Advisory Committee	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Disability Living Allowance Advisory Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Equality 2025	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Industrial Injuries Advisory Council	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Social Security Advisory Committee	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	336.26

The following bodies were sponsored by the Department for Work and Pensions and its predecessors during the period for which information is requested. These bodies have either been closed or replaced by a successor body as shown below:

- Pensions Compensation Board was replaced by the Pension Protection Fund in April 2005;
- Occupational Pensions Regulatory Authority ceased on 5 April 2005, its work is now done by The Pensions Regulator;
- The Appeals Service moved to the Department of Constitutional Affairs (now the Ministry of Justice) on 1 April 2006;
- Disability Rights Commissioner was subsumed into the Commission for Equality and Human Rights in September 2007;
- National Employment Panel ceased on 31 March 2008. Its functions have been incorporated into the UK Commission for Employment and Skills from 1 April 2008;
- Working Ventures UK closed down on 30 September 2009.



The following special points should be noted:

- i) Costs quoted do not include the costs of the in-house legal team (*the question asks for "legal advice" sought by DWP. The in-house team is part of DWP*).
- ii) Costs quoted may include some DH expenditure (DWP provide an in-house legal service to DH), for which DWP are re-imbursed in full.

Our in-house lawyers (Legal Group) expenditure on external legal services comprises a range of payments, including payments to meet other sides' costs, where these are required to be paid as a result of litigation; payments made to Counsel from the Attorney General's approved list for prosecutions, litigation or advisory services; and payments to local agent solicitors for prosecutions, some civil litigation and other occasional work.

Child Maintenance and Enforcement Commission - The Commission obtains its legal advice and representation from the Department. This includes the cost of legal advice and representation but excludes the cost of legal action in relation to CSA Legal and Debt Enforcement activities.

NOTE – the DWP data supplied earlier INCLUDES legal category costs for CMEC, the only NDPB for which we already have figures. This data is here for information only. Spend was £1,161,000 in 2008/09 and £1,161,000 in 2009/10.

Health and Safety Executive - All figures reflect that DWP's sponsorship of the Health and Safety Executive (HSE) began in 2002/03 and all are rounded to the nearest pound. The figures include the Health and Safety Laboratory which is an in-house agency of HSE. The figures cover law tribunal & legal costs, solicitor's agents' costs and counsel fees.

The figures exclude the cost of HSE's in-house legal team. However, the 2009/10 figure includes the cost of advisory/drafting lawyers which were transferred from HSE to Treasury Solicitors in April 2009 (approx £1.4m).

The increase in expenditure in 2008/09 and 2009/10 is, in part, due to the Buncefield prosecution, the ICL Inquiry, Land Use Planning cases and the increased legal cost of HSE's enforcement activity.

It should be noted that these higher levels of legal expenditure are partially offset by increased income from the award of costs by the Courts related to successful prosecution cases.

Remploy - Data at this level is only available on Remploy accounting systems for the last five years. 2007/08 date includes modernisation plan legal fees of £1,029,447 and £330,537 on a textiles legal case. Some years include corrections on previous year trial balance adjustments for estimated costs and claims. 2009/10 includes a reversal of £183k prior year trial balance adjustment hence the negative figure.

Independent Living Fund - The ILF only has records going back to 2005/06.

Personal Accounts Delivery Authority - PADA established 2007.

The Pensions Advisory Service - Data only exists from 2004/5.

The Pensions Regulator - Legal costs for the last 3 years only. Legal fees were not broken out on a separate nominal code before then. One reason for the increase in the costs over the 3 years is because of the Employer Compliance Regime.

Pensions Ombudsman and Pension Protection Fund Ombudsman - Data only exists from 2007/8. Both bodies are supported by the same organisation.

Social Security Advisory Committee - Data only exists from 2004/5.

Pensions Protection Fund - The primary drivers for the increase since 2008/09 were (i) the PPF's involvement in a number of major cases/disputes for the first time that year, and (ii) that PPF outsourced much of the legal work relating to statutory levy appeals, of which there was a particularly large number that year. The figures include both counsel and legal representation.

