

DWP Business Management Team
Health & Disability Assessments (Operations)

e-mail: freedom-of-information-xxxxxxx@xxx.xxx.xx

Our Ref: VTRIR692 & IR775

11 January 2013

Dear P Sutton

Thank you for your Freedom of Information request dated 16 November 2012.

In your email you requested an internal review of DWP's handling of your previous FOI request regarding Access to DWP buildings received 03 September 2012 reference no VTR 3763-3396.

Your follow up reminder e-mail, requesting a response to your original request was logged as IR 692, and was received by the Department on 15 October 2012, you subsequently requested and internal review (IR 775) and this was received 16 November 2012. (Copies of your requests are copied at Annex A to this letter for ease of reference)

Your review has been conducted by an independent official of the Department, of the relevant grade and authority to carry out such requests, consideration has been given to whether the handling of your request was dealt with appropriately and that all aspects of the time compliance of the request were taken fully into account.

I now note that a full response to your original request was issued via the 'What Do They Know' website on 23 November 2012. I acknowledge that in this instance, the Department failed to respond within the 20 working days and DWP apologise for the delay. Furthermore, we apologise for not keeping you updated of the progress of your request.

DWP is working to avoid any such delays occurring in the future and will endeavour to answer queries within the specified time limits.

In reviewing your request the reviewing officer upholds your complaint as the Department failed to respond to your request within 20 days.

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

Yours sincerely,

DWP Business Management Team
Health & Disability Assessments (Operations)

Your right to complain under the Freedom of Information Act

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 www.ico.gov.uk

Annex A

Email received 15/10/12 (our ref; IR692)

Dear DWP freedom-of-information-requests,

I am still waiting for a response to my Fol request about access to DWP and other public buildings. I believe that you are supposed to respond within 20 working days. By my calculation 30 working days have now passed, or 6 calendar weeks, and I would like to know if a response to my query is imminent. If it would speed matters up, then the omission of a answer to question 4 - about a wider implication for public policy - would be acceptable in the short term. I will then re-submit that question separate request later.

I hope to have a truly prompt reply to this query.

Email received 16/11/12 (our ref; IR775)

I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Access to DWP buildings'.

I quote from <http://www.dwp.gov.uk/freedom-of-informa...>

"How long should I wait for a reply? A reply should be sent to you within 20 working days of the Department receiving your request. If your request is complicated we may need longer than 20 working days but if this is the case we will let you know within the original 20 day period and will keep you informed of the progress of your request."

PLEASE READ THE WHOLE OF THIS MESSAGE BEFORE TRYING TO REPLY

You confirmed via an automated reply that you had received this request on 3 September.

I received no reply from you by 15 October 2012, or 30 working days after your initial reply. I left it that long as I had no wish to harass you after an exact 20 days, even though you had made no reply. You had not even contacted me within the 20 day period to tell me that you were having problems finding the information I had requested - as you say you will in your own guide.

On 15 October, having given you 10 extra days' grace, I wrote again - not as a complaint, but as a reminder. I also said that of the 4 related questions I had asked, the last could be omitted. I realise that it might require more extensive enquiries than the other three questions and it might be better if it were treated as a separate enquiry.

It is now 25 working days since my reminder email and a total of 55 working days since you received my initial request. I think this is quite long enough for you to have sent at least a partial reply to the questions I asked. There is no excuse for you not having replied at all - even to explain the delay. You have clearly passed the legally established deadlines for a reply.

In fact some of the delay cannot be excused at all. In the 10 weeks, there has been some information put into the public domain. One benefit claimant contacted their MP, Sir Alan Meale, on this issue and

the DWP gave him a statement which included the following, "adjustments can and must be made such as home visits and alternative centres, with the latter being considered for those members of the public that cannot use the stairs without being at risk to themselves or other building occupants. **Claimants who are considered to be at risk during such an evacuation from premises are excluded from access to areas above the ground floor **, because in the event of such emergencies lifts cannot be used during such an evacuation"

For your information I will repeat my first 3 questions: 1] Does this access restriction apply only to those reliant on wheelchairs, or to anyone who would have substantial difficulty managing stairs - perhaps due to arthritis or COPD - who might be a serious obstruction to others in the case of emergency evacuation? 2] Does this restriction apply only to medical assessment centres, but to all DWP buildings? 3] Does this restriction apply only to visitors, or does it apply to staff as well?

Question 1 seems to be answered by your statement to Sir Alan Meale, since the wording does not mention wheelchairs just "Claimants who are considered to be at risk during such an evacuation," but I would like you to confirm this point specifically.

Question 2 is a natural follow-on from the issues of Medical Assessment Centres. If those offices, so much visited by those with limited mobility, cannot be accessed then the rest must surely follow. I do not know how far the remit of the DWP extends, but surely this must also apply to Job Centres and all offices where the public might be called to attend, such as Benefit Fraud offices.

In both cases there is a clear public interest in having these restrictions clearly stated as soon as possible. Mobility-restricted claimants or visitors to DWP offices should be told in advance whether they will be restricted to ground-floor offices. Presumably staff would want to know this information when making appointments.

The matter of wheelchair and other access is being made on Health & Safety grounds. It seems logical to me that such rules would also extend to staff, as their H&S is also a prime duty of the DWP as an employer. A quick check with your H&S experts should produce a simple answer.

These questions are therefore clearly in the public interest and do not require the collecting of evidence or difficult cross-referencing. These issues are not a matter of government policy, but of a judgement made by your in-house professionals, and about which you have already issued some fairly circumscribed guidelines to an MP. I do not have the entirety of your reply to Sir Alan available, but presumably you do.

You have, I consider, no good reasons for refusing to respond at all three to these questions on any of your standard grounds. They are not difficult to answer, do not involve any other department, do not need the manipulation of figures or lists, are not costly, policy in the making or matters which should be kept confidential. I would therefore like to have the DWP's handling of this FoI request investigated as soon as possible with the result - I hope - of them sending me as soon as possible three straight answers, for example, (1) Yes, (2) Yes and (3) Yes, but we are pretending that it doesn't.