

Mr Taylor c/o request-80994-605fxxxx@xxxxxxxxxxxxxxxxxxx

DWP Central Freedom of Information Team
e-mail: freedom-of-information-xxxxxxx@xxx.xxx.xx

Our Ref: FOI 2287-2187
DATE 23 August 2011

Dear Mr Taylor,

Thank you for your Freedom of Information request dated 26 July 2011 that was received by Department for Work and Pensions (DWP) Adelphi and forwarded for response by the DWP Commercial Management of Medical Services (CMMS) Freedom of Information Officer.

In your email you asked to be provided with information answering the following questions:-

Dear Department for Work and Pensions,

Following the case of Larry Newman who after attending a work capability assessment was awarded zero points by the Atos staff member who carried out the medical test despite his degenerative lung condition which was the cause of his death shortly afterwards.

<http://www.guardian.co.uk/society/2011/jul/24/atos-case-study-larry-newman>

The report produced by Atos, following the examination, has been described as "make-believe" due to its endless inaccuracies and untruths. I understand an official complaint has been lodged against the assessor due to the inconsistencies in the report.

I would like to request the number of complaints the DWP and/or Atos have received in the last three years due to an individual dying, following Atos finding the individual fit for work, due to a medical condition existing at the time of the examination.

In answer to your questions and in accordance with Section 14(2) of the Freedom of Information Act, the Department is not obliged to comply with a subsequent identical or substantially similar request it has previously responded to. The letter of the CMMS Freedom of Information Officer dated 4 March 2011, reference 1921-384 refers.

Complaint correspondence received in DWP is generally triaged by theme; in this case it would be 'WCA/Medical Assessment'. I can advise that DWP do not keep such detailed statistics on complaints received.

It is estimated by CMMS that the cost of complying with your request would exceed the appropriate limit of £600. The appropriate limit has been specified in regulations and for central Government it is set at £600. This represents the estimated cost of one person spending 3½ working days in determining whether the Department holds the information, and locating, retrieving and extracting the information. Under section 12 of the Freedom of Information Act the Department is not obliged to comply with your request and we will not be processing your request further.

I would advise you that Atos Healthcare provide the relevant reports for DWP Decision Makers (DM) but play no part in the actual decision making process.

The role of the Healthcare Professional (HCP) is to provide an independent, impartial assessment of the claimant's ability to perform activities within each of the functional areas by choosing the descriptors that they consider appropriate on the medical report they complete. This opinion is based on interview with the claimant, observations and an appropriate clinical examination.

Benefit entitlement is determined by DWP DM not HCPs. In order to make a decision on benefit entitlement the DM considers all the available evidence not just the reports received from Atos Healthcare. Other evidence may include the claimant's 'self assessment', reports from GPs, hospital doctors and HCPs.

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

Yours sincerely,

DWP Central Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwpgsi.gov.uk or by writing to DWP, Central Fol Team, 5th Floor The Adelphi, 1-11, John Adam Street, London WC2N 6HT. Any review request should be submitted within two months of the date of this letter.

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