

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dpw.gsi.gov.uk

Our Ref: FOI IR 47

29th January 2013

Dear Mr Sykes

Thank you for your email of 14 January 2013 requesting a review of the handling of the response to your Freedom of Information request of 24 December 2012.

I can confirm that I was unconnected with the earlier reply to your initial request under Fol and that I have considered your request afresh.

In your request of 24 December 2012 you asked for:-

On the 19th December 2012 the DWP made a statement (via the Atos website) concerning the audio-recording of disability assessments. <http://blog.atoshealthcare.com/2012/12/recording-of-assessments-using-personal-equipment/>

"...a customer may use their own recording equipment, providing it meets the required standards..."

Specifically as regards assessments for DLA\PIP, and under CURRENTLY RECORDED arrangements:-

Q1. Please specify exactly and in full what those 'required standards' for a claimant's recording equipment are.

Q2. In the unlikely event that a claimant can afford equipment matching such specifications, please state exactly and in full what further obstructions a claimant must overcome in order to audio-record his or her DLA\PIP assessment. Or can he or she just turn up on the appointment day with equipment that meets the purported 'standards'?

My review decision

Your request for internal review asked:

"I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'The audio-recording by claimants of DLA\PIP assessments'.

Your evasion is blatant, obstructive and irrelevant.

1. As regards DLA, the questions remain: as at 24 12 12. i.e:-

Q1. "Please specify EXACTLY AND IN FULL what those 'required standards' for a claimant's recording equipment are".

Q2. "In the unlikely event that a claimant can afford equipment matching such specifications, please state exactly and in full what further obstructions a claimant must overcome in order to audio-record his or her DLA [] assessment. Or can he or she just turn up on the appointment day with equipment that meets the purported 'standards?'"

2. As regards, PIP you have attempted to evade my question as regards the CURRENTLY RECORDED (i.e as at 24 012 12) 'required standards' for equipment used for AUDIO-recording of PIP assessments BY CLAIMANTS by stating that the PIP process doesn't start until April. But the questions remain: as at 24 12 12. i.e:-

Q1. "Please specify EXACTLY IN FULL what those 'required standards' for a claimant's recording equipment are". If you had no CURRENTLY RECORDED 'required standards' for recording equipment to be used BY CLAIMANTS in the imminent PIP process as at that date, you should have said so. You didn't

Q2. "In the unlikely event that a claimant can afford equipment matching such specifications, please state exactly and in full what further obstructions a claimant must overcome in order to audio-record his or her [] PIP assessment. Or can he or she just turn up on the appointment day with equipment that meets the purported 'standards?'" Again, if you had no CURRENTLY RECORDED arrangements as regards 'further obstructions' for recording by claimants in the imminent process, you should have said so. You didn't.

The DWP is floundering under the ICO's monitoring of the department's ongoing and grave breach of statute. Producing responses which obstructively and contemptibly don't answer the questions you have been quite properly asked will not help you.

Your response today will in any event be added to the illustrations of 'lack of transparency' I will draw to the ICO's attention in connection with my outstanding request for the production of the full legal advice the DWP has received confirming its illegality in obstructing the recording of sickness\disability assessments.

Delay and further childish evasion in dealing with this IR, will just make your position worse".

A full history of my FOI request and all correspondence is available on the Internet at this address: http://www.whatdotheyknow.com/request/the_audio_recording_by_claimants

I have reviewed the information provided in the DWP reply of 14 January 2013 and can confirm that the previous response fully answered your request. For all recordings involving ATOS Healthcare Professionals the link you referred to sets out the conditions, which are that

you must be able to provide a complete and identical copy of the recording to the healthcare professional at the end of the assessment in CD or audio cassette format only, and that you must requested a specific appointment for the recording beforehand.

I accept that we could have been clearer that this applies to Disability Living Allowance as well as the Work Capability Assessment, but can confirm now that this is the case.

Regarding Personal Independence Payment, the response was correct at the time it was issued to you, in that no decision had been made on the audio recording of Personal Independence Payment assessments, therefore the Department had no recorded information to provide you with. However I can confirm that the Department has since decided that the arrangements will be similar to those which currently apply to Disability Living Allowance and Personal Independence Payment. This is set out in paragraph 2.7.6 of the PIP Assessment Guide, which is available on the Department's website at <http://www.dwp.gov.uk/docs/pip-assessment-guide.pdf>.

I therefore uphold your review in that we could have been clear that the policy applies to both Disability Living Allowance and the Work Capability Assessment, and that, at the time the response was issues, no information was held in respect of PIP, however it is unlikely that the current standard will change.

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 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