

DWP Business Management Team
Health & Disability Assessments (Operations)

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

Our Reference: FOI 3818-3794

DATE 27 December 2012

To Mr J Otram
C/o request-128282-357a2938@whatdotheyknow.com

Dear Mr Otram.

Freedom of Information Act – Request for Information

Thank you for your Freedom of Information request which we received on 5 September 2012. Please accept our apologies for the delay in providing you with this response.

In that request, you asked:

The perfect entitlement of claimants to audio-record WCAs

As the DWP has already confirmed, it is perfectly legal for an ESA claimant to take an audio recording of a WCA without telling the DWP or Atos that is what they are doing.

However, I enquire with regard to minister Grayling's statement to parliament today, with regard to ESA claimants and audio recording:-

"They are perfectly entitled to bring their own recording equipment to an assessment as long as it can record two copies of an assessment, because they need to be able to take one copy with them and leave the other behind."

I have a Dell laptop (and microphone) and standard off-the-shelf software which enables recording to hard disk and thence the production of two identical CDs (or DVDs) in an instant.

Under CURRENTLY RECORDED arrangements made by the DWP as regards WCAs, should a claimant wish to take an audio recording overtly:-

- 1. Is there any restriction on or impediment to the use of equipment such as I have specified above?*
- 2. Does the DWP request any particular format for the copy audio recording a claimant should provide?*
- 3. In the light of the fact that there remains no written advice to claimants as to the taking of an audio recording, are DWP and Atos employees clearly informed that recording by a claimant is a perfect entitlement? If so, please supply documentary evidence of this.*

I look forward to hearing from you by email within the statutory period for compliance.

In reply to **Q 1** the DWP criteria for audio recording is listed in the Work Capability Assessment (WCA) handbook. If you require your assessment to be audio recorded with the equipment you have described above I would advise that you seek advice from the Department and or Atos Healthcare prior to your assessment giving full details and specifications of the intended audio recording equipment you intend to use to ensure it meets the audio recording criteria especially with the provision that you are able to produce an exact duplicate copy of the recording prior to leaving the Medical Assessment Centre (MAC), at the conclusion of the WCA.

Please be aware that it is for Atos Healthcare, in conjunction with their legal advisers, to determine the action to be taken in the event of a claimant making an audio or video recording without the prior knowledge and consent of the assessing Healthcare Professional (HCP), or without ensuring that the safeguards as defined in the WCA handbook which can be found at the following link www.dwp.gov.uk/docs/wca-handbook.pdf. Please note this publication is subject to the advice on copyright that can be found in the response to Q 3.

In answer to **Q 2** claimants may use their own equipment to record their face-to-face assessment, however the DWP requires that they must be able to provide a complete and accurate copy of the recording to the HCP at the end of the assessment.

Acceptable formats for such recordings are restricted to CD and audio cassette only.

Claimants wishing to use their own recording equipment should make a request to Atos Healthcare as part of the appointment booking process, and so that a HCP who is willing to be recorded is available on the day of the WCA.

In response to **Q 3** DWP & Atos employees are all fully informed of the processes and action to take in respect of audio recordings as defined in the WCA handbook. The Revised WCA Employment and Support Allowance (ESA) (LCW/LCWRA) Amendment Regulations 2011 Handbook has been updated to include guidance on the audio and video taping of assessments and is available on line at; <http://www.dwp.gov.uk/publications/specialist-guides/#other>. This publication has been shared with DWP and Atos colleagues.

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

Yours sincerely,

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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@dwp.gsi.gov.uk or by writing to DWP, Central FoI Team, Caxton House, Tothill Street, London SW1H 9NA. 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