

To Mr Otram

DWP Business Management Team
Health & Disability Assessments (Operations)
DWP.MEDICALSERVICESCORRESPxxxxxx@xxx.xxx.xx

30 January 2013

Dear Mr Otram

Freedom of Information Act - Request for Internal Review
Our Reference: FOI IR891

Thank you for your email dated 29 December 2012 requesting an internal review of the Department's handling of your FOI request (our reference FOI 3818-3794).

Specifically you state:

"I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'The perfect entitlement of claimants to audio-record WCAs'. (Your reference = FOI 3794).

You have answered Q2 but not Qs 1 & 3.

The WCA Hand book July 2012 edition to which you refer does NOT contain any specification for personal equipment to be used for overt AUDIO-recording a WCA BY a CLAIMANT (Q1). There is thus no specification in that edition for DWP/Atos staff to refer to either (Q3)."

I have conducted a full investigation into your original request to check that the information previously supplied to you, clearly and accurately answered your request. I confirm that I was unconnected with the handling of your initial request, and that guidance has been sought from domain experts to ensure that all factors were fully taken into account.

Please note I am only answering the FOI elements of your request. The FOI act only applies to information held by the Department on the date of your request and we are not required or able to enter into any debates on the general comments you have made.

Turning to Questions 1 and 3; the review has found that all published information available at the time of your FOI request was made available to you. I accept however that the Work Capability Assessment Handbook (<http://www.dwp.gov.uk/docs/wca-handbook.pdf>) does not provide any information about personal recording equipment and am sorry that this was not explained to you. The procedure for arranging a recorded assessment is that the claimant must contact Atos who will discuss their requirements and determine whether the equipment to be used by the claimant is capable of producing dual recordings. In view of the variety of

devices which could potentially make such recordings it is not reasonable to produce a list of specific requirements which may not be exhaustive.

Furthermore I maintain that the FOI Act is for the provision of recorded information held. Section 84 of the Act states that in order for a request for information to be handled as a Freedom of Information request, it must be for recorded information. Therefore we are unable to answer Question 1 as the FOI Act it is not a mechanism through which individuals can request an opinion.

I can also confirm that at the time of your original FOI request (September 2012) there were no documents in which DWP and Atos employees had been informed that claimants may audio record their healthcare assessment. I am therefore satisfied that all recorded information that DWP was able to supply to you at the time of your original FOI request has been supplied.

However, since your original FOI request, Atos has published information on their website which you may find helpful and can be accessed via the following link:

<http://blog.atoshealthcare.com/2012/12/how-to-request-an-audio-recorded-assessment/>

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

Yours sincerely,

DWP Business Management 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 xx@xxx.xxx.gov.uk 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, Wycliff House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk