

To Mr J Newman  
C/o request-106444-5eaf3713@whatdotheyknow.com

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-xxxxxxx@xxx.xxx.xx](mailto:freedom-of-information-xxxxxxx@xxx.xxx.xx)

Our Ref: VTR 3550-2445

DATE 14th September 2012

Dear Mr Newman,

Thank you for your Freedom of Information request that was received by the Department for Work and Pensions (DWP) Freedom Of Information Requests on 28 May 2012 and forwarded for response by DWP Medical Services Contracts Correspondence Team (MSCCT) Freedom of Information Officer (Fol).

As I advised in my response dated 11 July 2012, the additional questions would be answered separately.

Firstly, may I take this opportunity to apologise for the delay in responding to your request within the 20 days deadline. It is clear that you have not received a response to your request within the statutory timescales.

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

*I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Atos FFW recommendations overturned by DWP 10/08 – 02/11'.*

*Firstly, I raised this question on 18th Feb as yet have had no acceptable explanation as to why it has taken over 3 months to respond.*

*Secondly, I am afraid there are a number of issues arising from your answer to question 1, that you have either not addressed or have introduced:*

- 1) In accordance with the Fol Act, I am looking for documented evidence that DWP was aware of the increase at the time – such a marked and sudden change MUST have been initiated by a specific event which you have not explained. As I have already indicated, the matter would have received attention in minutes, emails, report analyses etc.*
- 2) You have said there were a number of causes, but only mentioned one – what were the others and where is the evidence to support your suggestions – I'm afraid without evidence it is pure speculation.*

- 3) *What constraints/barriers existed prior to Harrington's report that prevented Decision Makers doing their job fully? Without some form of explanation I'm afraid your proposition is meaningless.*
- 4) *What evidence do you have to support the other "improvements" you claim have been made – as Chris Grayling himself insists, hard evidence is essential for substantiation and credibility? I am particularly interested in evidence of the "improved use of the reconsideration process".*
- 5) *If what you say is true, the change highlighted the true error rate being made by Atos HCPs. What evidence do you have that this matter was addressed seriously with Atos and how can you demonstrate they have improved since?*

*I note finally that whilst you acknowledge that right-first-time decisions are critical, you have not set up a means to measure it, which casts considerable doubt over how important you think it really is – a high error rate does after all fuel the need for a reconsideration infrastructure, appeals processing systems etc., etc.*

*A full history of my FOI request and all correspondence is available on the Internet at this address: [http://www.whatdotheyknow.com/request/atos\\_ffw\\_recommendations\\_overture](http://www.whatdotheyknow.com/request/atos_ffw_recommendations_overture)*

With regard to the delay in receiving a response, 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 letters of the MSCCT Internal Reviewing Officer dated 26/06/12 (reference 3068-IR162) and dated 11/07/12 (reference 3375-IR351) refer.

In response to points 1 and 2, this was expected as a result of DWP introducing a performance improvement of telephone calls into their reconsideration process. This was implemented in October 2010 as was Healthcare Professional (HCP) Face to Face support in a number of Benefit Centres. All of these factors contribute and were aimed at helping Decision Makers (DMs) to take an holistic view of all of the evidence before reaching a decision. Monthly information gathered on the results of Atos recommendations by outcome and then the numbers where the DWP DMs made an alternative decision based on all the available information, was provided in a previous response (reference VTR 2926-735 dated 18 May 2012).

With regard to point 3, DWP are unaware of any constraints or barriers existing across the business prior to the Harrington report that prevented DMs doing their job fully. This did not impinge on the continuous improvement ethos within the Department with every member of staff striving, on an ongoing basis, to make improvements to the job they do and the level of performance they achieve. However, the impetus to consider the role of the DMs within the Work Capability Assessment (WCA) process was not generated within DWP. Included in the Welfare Reform Act of 2007 was the provision for an Independent Review of the newly introduced WCA for each of the first five years of its operation and this Independent Review was to be laid before Parliament each year. The Government commissioned Professor Harrington to carry out the first three of these reviews.

Professor Harrington's review of the Work Capability Assessment is independent of DWP and it is his report that draws on a wide range of available evidence including the role of the Decision Maker.

Evidence gathered regarding Decision Makers are outlined in 'An Independent Review of the Work Capability Assessment' available in the Public Domain. It was the Government who commissioned Professor Harrington to conduct an independent review on the Work Capability Assessment

In response to point 4, Wrexham Benefit Delivery Centre trialled a scheme to telephone claimants who had lodged an appeal against their Employment and Support Allowance (ESA) decision. The original decision was explained to the individual, if they still had reasons to disagree, additional information or evidence was obtained. The reactions received from claimants and staff were positive and the experts involved were of the opinion that the initial findings alone justified rolling out the process more widely without the need to spend tax payers money on an extensive data gathering exercise to substantiate something which could immediately improve our level of interaction with claimants. The process was subsequently adopted by IB(IS) Reassessment Project and into the ESA Business As Usual Process as part of the Disallowance Call process.

In reply to point 5, the role of Atos Healthcare is to provide evidence that a DM can consider. There may be more compelling evidence in front of the DM that leads to a different outcome to that recommended by the HCP. This is normal DM process and quite proper as all evidence must be given due weight. As the DM has been able to take a more holistic view of all of the evidence before them, the information that you have requested does not exist.

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

Yours sincerely,

DWP Central Fol Team

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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](mailto:freedom-of-information-request@dwp.gsi.gov.uk) or by writing to DWP, Central Fol 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](http://www.ico.gov.uk)