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Date:

16 December 2014

John Slater
Sent via Whatdotheyknow website

Dear Mr Slater

Freedom of Information Act - Request for Information
Our Reference: FOI 5188

Thank you for your Freedom of Information request received on 27 November 2014. You asked:

On the 4th February 2005 the Secretary of State for Work and Pensions ("SoS") granted Atos Origin IT UK Services Limited ("ATOS") a perpetual licence to exploit certain software developed under the IMPACT Service Provision and Transfer Agreement. This licence included the Logic Integrated Medical Assessment ("LiMA") Software System used as part of Work Capability Assessments ("WCA").

Q1 - Does the SoS licence with ATOS remain in effect in respect of LiMA?

Q1a – If the license is no longer in effect has the SoS subsequently granted a licence to any other organisation?

Q1b – As the licence is non-exclusive and transferable (clause 2.1) has the SoS ever granted a licence to any organisation other than ATOS since his licence with ATOS came into effect?

Q2 – Will the licence for LiMA be transferred to Maximus Health And Human Services Limited ("MAXIMUS") when it replaces ATOS as the provider for WCA?

Q2a – If the licence for LiMA is not migrated to MAXIMUS Limited does that mean it of the SoS will be required to pay fees to ATOS to use LiMA when carrying out WCA? (Please note this is not a request for the amount or frequency of any payments).

Q2b - If the licence for LiMA is not migrated to MAXIMUS does that mean that any further development (including bug fixing and other support activities) of LiMA will be carried out by ATOS? If so, which organisation will be responsible for funding this development?

Q3 – It has been confirmed previously that the LiMA system can only be run on the ATOS network. Will the SoS or MAXIMUS incur costs to access LiMA on this network

through any new or existing contracts with ATOS as a direct or indirect result of the termination of the Medical Services Agreement with ATOS?

To answer each in turn:

Q1 - Does the SoS licence with ATOS remain in effect in respect of LiMA?

A1 – Yes. This is because the Medical Services Agreement (MSA) in respect of which Atos hold a licence to operate LiMA does not expire until 28th February 2015, and Atos will continue to operate LiMA after this date on the Secretary of State for Work and Pensions' behalf under the Assessment Services Information Systems (AS IS) contract.

Q1a – If the license is no longer in effect has the SoS subsequently granted a licence to any other organisation?

A1a – The license is still in effect.

Q1b – As the licence is non-exclusive and transferable (clause 2.1) has the SoS ever granted a licence to any organisation other than ATOS since his licence with ATOS came into effect?

A1b – Yes. The Secretary of State for Work and Pensions is granting a licence to Maximus Health and Human Services Limited to use LiMA in order to provide the assessment services under the Agreement Relating to Health and Disability Assessment Services (HDAS).

Q2 – Will the licence for LiMA be transferred to Maximus Health And Human Services Limited (“MAXIMUS”) when it replaces ATOS as the provider for WCA?

A2 – The licence will not be transferred to Maximus, but Maximus will be granted its own licence as set out above.

Q2a – If the licence for LiMA is not migrated to MAXIMUS Limited does that mean it of the SoS will be required to pay fees to ATOS to use LiMA when carrying out WCA? (Please note this is not a request for the amount or frequency of any payments).

A2a – The Secretary of State for Work and Pensions owns the intellectual property rights (IPR) in LiMA. Accordingly the Secretary of State will not pay fees to Atos in order to grant a new licence to Maximus to use LiMA. Under the AS IS contract, the Secretary of State will pay fees to Atos for operating the IT which is used by Maximus in order to provide the assessment services under the HDAS contract, which includes LiMA.

Q2b - If the licence for LiMA is not migrated to MAXIMUS does that mean that any further development (including bug fixing and other support activities) of LiMA will be carried out by ATOS? If so, which organisation will be responsible for funding this development?

A2b – As set out above, the Secretary of State has contracted with Atos under the AS IS contract for the continued operation (including where appropriate development) of the IT used to support the performance of assessments, including LiMA. DWP will fund any development (if required), although if such development is requested by Maximus, DWP will discuss with Maximus the business case for such development.

Q3 – It has been confirmed previously that the LiMA system can only be run on the ATOS network. Will the SoS or MAXIMUS incur costs to access LiMA on this network through any new or existing contracts with ATOS as a direct or indirect result of the termination of the Medical Services Agreement with ATOS?

A3 – The AS IS contract covers the costs for Atos of operating the IT that supports the assessment services, including LiMA. This includes the costs of operating the network referred to, which are just one element of this IT operational service. The Secretary of State for Work and Pensions will pay the charges for the AS IS contract.

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

Yours sincerely

**Official Correspondence Team
Business Management and Improvement**

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-requexx@xxx.xxx.xxx.uk or by writing to DWP, Central FoI Team, Caxton House, 6-12 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