



Department
for Work &
Pensions

Central FoI Team
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www.gov.uk/dwp

Email: freedom-of-information-request@dwp.gov.uk

Our Ref: IR2019/39796

19 November 2019

Dear Charlie Halsey,

Thank you for your Freedom of Information (FoI) internal review request received on 29 October. You asked:

Repeat request here if short or summarise if not eg.

"Dear DWP freedom-of-information-requests,

Thanks for your reply to my FOI request; which has clarified some points, but the 'working from home' related information is unanswered, I've pasted my request below for your info with some further questions:

"When the Department's Hub Strategy was introduced in approx 2017; staff were expected to work from a designated office location. How did you apply the Public Sector Equality Duty (PSED), in relation to 'working from home' requests, particularly for parents, carers and staff with a disability that impacts their ability to travel to work? What information do you hold, what advice was sought and what legal advice, information was given regarding DWP's Public Sector Equality Duty towards their staff?"

You explained the process for dealing with staff that were impacted by a move, but not about 'working from home' requests from staff. Were 'working from home' requests considered in the PSED?

Could I also have a copy of the Government Legal Department PSED advice to the Senior Responsible Officer?"

DWP Response

In response to your request, I can confirm that the handling of your original request and response has now been appropriately reviewed by someone unconnected with the handling of your original request.

As a result of this review I am satisfied that the original response was handled properly and that the outcome of your request was correct. The reasoning behind this decision is that the confidential conversation between the member of staff and their line manager was the opportunity for the member of staff to discuss their personal circumstances and any potential

impact on them and their ability to move to the new location (which may include discussion about potential home working or health related conditions requiring reasonable adjustments).

Under s41(1) of the Act, Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.

In considering the Public Interest Test, we consider that there is a public interest in disclosing legal advice to ensure that transparency of the decision making process is maintained and that the public can be assured that legal advice is properly taken into account in decision making. There is however an overriding public interest in ensuring that legal communications between the department and its legal advisers can be conducted openly and that the department receives full and frank legal advice which is of itself a requirement for the administration of justice.

We have responded separately to your additional request. If you have any queries about this letter, please contact the Department quoting the reference number above.

Yours sincerely,
Central FoI Team
Department for Work and Pensions

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
Web: ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745