

To:Mr P Smith

C/o request-147203-05f59f3d@whatdotheyknow.com

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

1 March 2013

Dear Mr Smith

Freedom of Information Act – Request for Information

Our Reference: FOI 0369

Thank you for your Freedom of Information request which we received on 25 January 2013.

You asked: *Under the heading "ESA Medical Conditions and Requirement to Attend a Medical Assessment"*

There are a number of medical conditions & Categories?

For each category a list is attached?

- *Unsuitable for calling to a Medical Examination Centre?*
 - *Reference to Medical Advisor Required Advice?*
 - *TENTATIVELY INVITE TO MEDICAL EXAMINATION CENTRE?*
 - *Invite to Medical Examination Centre?*
1. *Can you please tell me what is meant when it say's "TENTATIVELY INVITE TO MEDICAL EXAMINATION CENTRE?"*
 2. *In what circumstances would someone be asked to TENTATIVELY attend an assessment?*
 3. *By using the terminology "TENTATIVELY" I would ascertain that the use of said term means that not everyone who is invited to attend an assessment is expected to attend, what conditions & circumstances would the DWP not enforce the request to attend such an Assessment?*
 4. *If under such conditions the claimant was asked to attend "TENTATIVELY" but it was decided against enforcing the claimant to attend what would the DWPs decision be, would a home visit then be offered?*

Following a search of our paper and electronic records, I'm afraid that we can find nothing in our guidance relating to tentatively inviting someone to a medical assessment required for Employment and Support Allowance (ESA). As such we can confirm that the Department holds no information on 'tentatively' inviting claimants to attend a Medical Assessment Centre (MAC) in respect of an ESA Work Capability Assessment.

DWP re-awarded Atos Origin IT Services Ltd, trading as Atos Healthcare, a new Contract to provide Medical Services on behalf of the Department from 1 September 2005, the phrase you have raised in your enquiry was included solely in relation to the assessment of claims made for Disability Living Allowance (DLA) and Attendance Allowance (AA), and was never relevant to invitations to attend a Personal Capability Assessment in relation to claims for Incapacity Benefit (IB), or ESA (which replaced IB in October 2008) at a MAC.

An edited copy of the Medical Service Contract can be found using the following website <http://deposits.parliament.uk/>. In the search box complete only the fields 'date range' and 'house', please input 14/09/2010 in both the date fields and select Lords from the House drop down menu. Click Go and then click on Dep2010-1704.zip from the search results. The relevant files are titled, Clauses.pdf, New Contract Index.pdf and Schedules 1 to 33.pdf and can advise that the current information is in Schedule 4.12 Appendix 1. If you do not have access to the Internet at home, you may be able to use facilities at your local public library.

A copy of the contract between the DWP and Atos Origin IT Services UK Limited (Atos Healthcare) cannot be provided in its entirety. I have removed from this copy those parts that contain information exempt under Section 40 (third party personal information where disclosure would breach data protection principles) and 43 of the Freedom of Information Act 2000. Where information is exempt under Section 43 this is due to it being commercially sensitive and release of the information would prejudice the interests of Atos Healthcare and the Department's future dealings with Atos Healthcare or other service providers.

The Medical Services Contract will in due course be re-let by means of a competitive procurement exercise. Releasing details of Atos Healthcare's underlying financial model, this would reveal to their competitors commercially sensitive financial aspects of their contract which would disadvantage Atos Healthcare's competitive position in the marketplace. This in turn would prejudice the ability of the Department to secure best value for the taxpayer when the contract is re-tendered.

Release of this type of key financial information would also undermine the effectiveness of the Department's future dealings with Atos Healthcare or other service providers which is also not in the public interest.

REFERENCE	EDITED CONTENT	EXEMPTION
Clause 10.11.3.2	Limit of liability	Section 43 - Commercial sensitivity
Schedule 3	Contractor's proposal	Section 43 - Commercial Sensitivity
Schedule 12	Pricing and charging information Para 4.2 - 8.2.3 and Appendices	Section 43 - Commercial Sensitivity
Schedule 21	Key Personnel	Section 40 - Personal Information
Schedule 25	Liquidating damages including service credits Paras 4.2.14 - 4.2.19 Para 5	Section 43 - Commercial sensitivity

	Appendix 1 Service Credits	
Schedule 28	The following medical training guides listed within Schedule 28 are not available for public release: Reference numbers 370i, 451, 454P, 454A, 455L, 454P, 454AF, 454H, 454i, 454J, 450o, 450P and 450R	Section 43 – Commercial sensitivity
Schedule 31	Optional Services that may be called off at some future date dependent upon future policy	Section 43 - Commercial sensitivity

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To explain the procedures for the undertaking of medical assessments in relation to DLA and AA a copy of the DLA & AA in MECs Guide for Administration and Medical Staff, reference MED-DLAAAMGAMS01 has been attached. Within the document's appendices there are lists of those medical conditions that can and can't be assessed at a MAC.

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You are advised that some of the information contained in the document falls within the exemptions allowed by Section 40 of the Freedom of Information Act and has therefore been redacted. The Section 40 exemption is applied on the basis that it is personal data about a third party, in this case names of DWP and/or Atos Healthcare employees who are below the Senior Civil Service (SCS) Grade, and it is Departmental policy that the names of employees below SCS grades are not released and the disclosure would breach data protection principles.

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

Yours sincerely

DWP Business Management Team
Health & Disability Assessments (Operations)

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@dwpgsi.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