

To: I White  
Request- [request-260052-ecb9cf13@whatdotheyknow.com](mailto:request-260052-ecb9cf13@whatdotheyknow.com)

DWP Central Freedom of  
Information Team  
e-mail: [freedom-of-information-  
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Our Ref: IR196

16 April 2015

Dear Mr White,

Thank you for your e-mail requesting a review of the Department for Work and Pensions (DWP) response dated 8 April, reference FOI1174

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 assesments (or other companys now used)'.*

*With all due respect you have not answered my original question can a person refuse to consent and if NOT what law (not Act) applies please answer the question that was asked not what yuo want to answer..*

*Is consent needed?*

*And if so please provide which law under?'*

Please be assured that your request has been given our full consideration and that all aspects of your review were taken fully into account.

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

The review was conducted by an independent official of the Department, of the relative grade and authority to carry out such requests. The case has been examined afresh, and guidance has been sought from domain experts to ensure all factors were taken fully into account.

Your original request (FOI 1174) asked:

*'I would like the following under the Freedom of Information Act 2000.*

*The following relates to all interviews or medicals carried out by Atos or any other company that carries out a simmilar role in assessing a person for the DWP.*

*A, Does this company (or any used by the DWP) need the persons/individuals consent when at an interview/ medical to proceed with that medical/assesment/interview call it what you will to divulge their personal and private health issues?*

*B, If consent is needed and not given and the assesment/interview terminated is the file then handed back to a "Decission Maker" (or whatever they are called now) at the DWP?*

*C, If the person has such a disability they cannot attend one of your "assesment centres" can they ask for a domiciliary hearing?'*

In response to your Internal Review request, I note that the response to **Q's A** and **B** correctly explained that the claim to benefit declaration allows for the exchange of relevant medical information to enable the decision to make a determination regarding benefit.

The reply also explained that the ES50 form questionnaire makes clear agreement with the terms of receiving benefit which allow the Department to ask any of the people or organisations mentioned on the ES50 for information including; "any organisation with which the Department has a contract for the provision of medical services" and "any Healthcare Professional advising the Department".

It may be useful at this point to refer you to the Social Security (Personal Independence Payment) Regulations 2013 section 9 which state:

"Claimants may be called for a consultation to determine whether the claimant has limited or severely limited ability to carry out activities"

The legislation continues:

"Where the claimant fails without good reason to attend or participate in the consultation...a negative determination must be made"

A claimant has the right not to take part and not to supply medical details, however it should be noted that by doing so they would not be meeting the terms and conditions set out for receipt of benefit.

In reviewing **Q C** you were correctly provided with a list of occasions when it would be appropriate to conduct Employment Support Allowance (ESA) home visits and a link to the PIP assessment guide detailing similar scenarios.

I therefore find that the original response dated 8 April 2015 was correct and that all the information that DWP are able to supply to you has been supplied.

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 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.org.uk/Global/contact\\_us](http://www.ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745