

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: 2015-2436

13 July 2015

Dear A Clerk,

Thank you for your Freedom of Information request received on 15 June 2015.
You asked:

“I would like to request the number of recorded deaths of the UK population judged to be fit for work following assessments by ATOS/WORK CAPABILITY ASSESSMENTS.

This should include all deaths including "Suicides.”

Please also provide details of ongoing legal investigations into the deaths of the UK population judged to be fit for work following assessments by ATOS/WORK CAPABILITY ASSESSMENTS.”

In response to your first request, as the statistics requested for Great Britain are intended for future publication this information is exempt from disclosure under the terms of Section 22 (Information intended for future publication) of the Freedom of Information Act (FOIA). This exemption is qualified, and is therefore subject to a public interest test. The public interest test is where the Department considers whether the balance of the public interest falls in favour of withholding or disclosing the information requested.

Arguments in favour of disclosure: There are public interest arguments in favour of disclosure of this information at the present time. Disclosure would for example improve transparency in the operations of the Department.

Arguments against disclosure: There are public interest arguments against disclosure of this information at the present time. These arguments include that it is in the public interest to adhere to the existing publication process for official statistics, which includes time for the data to be collated and properly verified.

It is also in the public interest to ensure that the publication of official information is a properly planned and managed process, to ensure that the data are accurate once placed into the public domain. It is also in the public interest to ensure that the information is available to all members of the public at the same time, and premature publication could undermine the principle of making the information available to all at the same time through the official publication process.

On this occasion, the balance of the public interest test falls in favour of withholding this information. As explained above, statistics on this issue will be published in due course.

Please note that the Department does not hold this information for the whole of the UK. The responsibility for statistics in Northern Ireland lies with the Department for Social Development (DSD). More information on how to submit a Freedom of Information request to the DSD can be found at: <http://www.delni.gov.uk/index/freedom-of-information/requesting-information.htm>

In response to your second request about legal investigations into deaths, the Department for Work and Pensions does not hold the information that you have requested.

You may be interested to know that legal investigations into deaths in **England and Wales** are performed by the relevant Coroner's office where the death occurred however Coroners are not subject to the Freedom of Information Act.

Legal investigations into deaths in **Scotland** are administered by the Scottish Courts Service. Details on how to raise a FOI request with them can be found here:

<http://www.scotcourts.gov.uk/about-the-scottish-court-service/contact-us/freedom-of-information>

They also publish the 50 most recent Fatal Accident Inquiries here:

<http://www.scotcourts.gov.uk/search-judgments/fatal-accident-inquiries>

For the relevant information for **Northern Ireland** please contact the Northern Ireland Courts and Tribunals Service here:

<https://www.courtsni.gov.uk/en-GB/AboutUs/Freedom%20of%20Information/Pages/default.aspx>

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

Yours sincerely,

DWP Central FOI Team

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, 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