

To J Newman
C/o request-106444-5eaf3713@whatdotheyknow.com

DWP Central Freedom of Information Team

e-mail: freedom-of-information-xxxxxxx@xxx.xxx.xx

Our Ref: VTR 2926-735

DATE 18 May 2012

Dear J Newman,

Thank you for your Freedom of Information request that was received by the Department for Work and Pensions (DWP) Adelphi on 18 February 2012 and forwarded on 21 February for response by myself, the DWP Medical Services Contracts Correspondence Team (MSCCT) Freedom of Information Officer. I apologise for the delay in providing your response.

In your email you asked

Dear Department for Work and Pensions,

In response VTR 0192 you have provided data relating to the Atos FFW recommendations that were subsequently overturned by DWP between Oct 08 and Feb 11. It shows an alarming increase in the percentage overturned to WRAG in the latter part of 2010.

- 1. What interpretation did DWP place on this huge increase and what action did it take to address both within DWP & within Atos? This would have been recorded in meeting minutes, emails etc.*
- 2. Is more recent data available to see if this trend continued? If not, when will it be?*
- 3. Does DWP routinely monitor the additional FFW decision reversals made by the Tribunals service?*
- 4. If so, what is the most up to date information available?*

In response to **Q 1**, the increase in claimants being placed in the Work Related Activity Group (WRAG) following an Atos fit for work recommendation could be down to a number of factors including: DWP Decision Makers (DM) feeling empowered as a result of Professor Harrington's first independent review of the Work Capability Assessment (WCA) and taking action to act within the spirit of his recommendations; improved processes for the collection of additional evidence to support a claim; and improved use of the reconsideration process.

It is important that decisions are right first time. There are no targets attached to WCA outcomes and therefore there were no actions to address this.

In response to **Q 2** the tables below provide an update to the previously provided data in response reference VTR192.

Monthly information has been gathered on the results of all initial WCA for ESA claimants where the assessment was completed between October 2008 and November 2011. It shows the total number of initial Atos recommendations by outcome and then the numbers where the DWP DM made an alternative decision based on all the available information. The table below shows the number of cases where the Atos recommendation was Fit for Work and where this decision was overturned by the DWP DM with the final decision being WRAG or Support Group.

Result Date	Atos Recommendation = Fit for Work (FFW)				
	Total FFW Recs	FFW Recs overturned to WRAG	% of FFW recs overturned to WRAG	FFW Recs overturned to SG	% of FFW recs overturned to SG
Oct-08	0	0	0%	0	0%
Nov-08	400	0	0%	0	0%
Dec-08	1,700	0	0%	0	0%
Jan-09	3,700	0	0%	0	0%
Feb-09	9,300	0	0%	0	0%
Mar-09	11,000	100	1%	0	0%
Apr-09	14,700	100	1%	0	0%
May-09	23,200	200	1%	0	0%
Jun-09	24,700	300	1%	100	0%
Jul-09	23,100	300	1%	100	0%
Aug-09	22,500	400	2%	100	0%
Sep-09	24,800	500	2%	100	1%
Oct-09	24,700	600	2%	200	1%
Nov-09	18,900	500	3%	100	1%
Dec-09	21,900	500	2%	100	1%
Jan-10	22,000	600	3%	100	1%
Feb-10	24,600	600	2%	200	1%
Mar-10	20,100	600	3%	200	1%
Apr-10	21,100	600	3%	100	0%
May-10	24,100	600	2%	100	1%
Jun-10	25,700	600	2%	100	1%
Jul-10	24,200	800	3%	100	1%
Aug-10	24,500	900	4%	200	1%
Sep-10	24,300	900	4%	200	1%
Oct-10	26,100	1,500	6%	200	1%
Nov-10	17,700	2,100	12%	300	2%
Dec-10	21,600	1,900	9%	200	1%
Jan-11	23,100	2,100	9%	300	1%
Feb-11	29,000	2,500	9%	300	1%
Mar-11	19,600	2,900	15%	400	2%
Apr-11	22,100	2,200	10%	400	2%
May-11	22,200	2,500	11%	400	2%
Jun-11	17,100	2,300	13%	300	2%
Jul-11	12,800	1,600	13%	300	2%
Aug-11	9,400	1,500	16%	300	3%
Sep-11	11,300	1,200	11%	300	2%
Oct-11	15,000	1,100	7%	200	1%
Nov-11	12,300	1,100	9%	200	2%
Total	694,600	36,300	5%	6,200	1%

In response to questions 3 and 4, statistics on the outcomes of appeals against fit for work decisions at the initial WCA of a claim are published regularly. The latest publication was released in April 2012 and can be found on the Departmental website at the link below.

http://research.dwp.gov.uk/asd/workingage/index.php?page=esa_wca

Tables 3 and 4 in the tables accompanying the publication cover appeals outcomes. This is the latest data available.

All data provided in this response has been rounded to the nearest 100 cases or percentage point. The data is taken from administrative data held by the Department and functional assessment data provided by Atos Healthcare.

If you have any queries about this response, please contact me 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-xxxxxxxxxxxxxxxxxxxx@xxx.xxx.xxx.xx or by writing to DWP, Central FoI Team, 5th Floor The Adelphi, 1-11, John Adam Street, London WC2N 6HT. 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