

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:3375-IR351

DATE 11 July 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 28 May 2012 and forwarded on 29 May for response by the DWP Medical Services Contracts Correspondence Team (MSCCT) Freedom of Information (Fol) Internal Reviewing Officer (IRO).

In your email you asked to be provided with information answering the following questions:-

Dear Department for Work and Pensions,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Atos FFW recommendations overturned by DWP 10/08 – 02/11'.

Firstly, I raised this question on 18th Feb as as yet have had no acceptable explanation as to why it has taken over 3 months to respond.

Secondly, I am afraid there are a number of issues arising from your answer to question 1, that you have either not addressed or have introduced:

- In accordance with the Fol Act, I am looking for documented evidence that DWP was aware of the increase at the time – such a marked and sudden change MUST have been initiated by a specific event which you have not explained. As I have already indicated, the matter would have received attention in minutes, emails, report analyses etc.*
- You have said there were a number of causes, but only mentioned one – what were the others and where is the evidence to support your suggestions – I'm afraid without evidence it is pure speculation.*
- What constraints/barriers existed prior to Harrington's report that prevented Decision Makers doing their job fully? Without some form of explanation I'm afraid your proposition is meaningless*
- What evidence do you have to support the other "improvements" you claim have been made – as Chris Grayling himself insists, hard evidence is essential for substantiation and credibility? I am particularly interested in evidence of the "improved use of the reconsideration process"*

- *If what you say is true, the change highlighted the true error rate being made by Atos HCPs. What evidence do you have that this matter was addressed seriously with Atos and how can you demonstrate they have improved since?*

I note finally that whilst you acknowledge that right-first-time decisions are critical, you have not set up a means to measure it, which casts considerable doubt over how important you think it really is – a high error rate does after all fuel the need for a reconsideration infrastructure, appeals processing systems etc., etc.

The MSCCT FoI IRO has read your letter and accepted this as a request for an Internal Review in order that the handling of your request was dealt with appropriately as well as conducting a full investigation into your original request to check that the information previously supplied to you, clearly and accurately answered your request. I have also reviewed any decisions to withhold information and in doing so I have fully considered the public interest in disclosure.

Your request '*Atos FFW recommendations overturned by DWP 10/08 – 02/11*' (VTR 3068-IR162) was received by the Department on 19 March 2012.

The Freedom of Information (FoI) Act allows 20 working days from date of receipt of the request in which to respond. MSCCT endeavour to answer promptly and no later than the 20 day deadline, unless the deadline is extended to consider if an exemption applies. The 20 working day deadline for the original request was 18 April and it is noted that the response was issued to you via the What Do They Know website on 26 June. In this instance, the Department has failed to respond within the 20 working days and MSCCT apologise for the delay in replying to your original request.

In reviewing your request the MSCCT FoI IRO upholds your complaint as the Department failed to respond to both your original request and provide you with the reasons for the delay in responding within 20 days. You may be aware, the Freedom of Information Act in England does not set a required time limit for answering a "review request" in the same way it does for the initial requests to be responded to and it is therefore up to public authorities to address the need to conduct reviews within a reasonable timescale, but delays in this case have occurred and a response to this request for an Internal Review could not be completed, until such time as a response to the original request was completed and issued. The delay in issuing this response was due to increased work volumes.

The additional issues that you state *have either not been addressed or have introduced* under the previous Q 1 will be responded to under a new FOI reference which is VTR 2601, by the MSCCT FoI Officer.

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-xxxxxxxxxxxxxxxxxxxxx@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