

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk)

Our Ref: 4477/IR790

25 October 2013

Dear Mr Rose,

Thank you for your Freedom of Information request received on 18 September 2013 and review request received on 17 October 2013. In reviewing your request the reviewing officer upholds your complaint as the Department failed to respond to your request within 20 days. DWP apologises for the delay in responding to your FOI request.

You asked for:-

Is it official DWP policy to refuse to give out the local office number is a client expressly asks for it due to problems with the 0845 number?

I quote from a 'letter' received on the 2nd September on Jobcentreplus headed paper unsigned simply printed manager. containing the following paragraph

'It has been a long term policy of this department that recording or filming of any kind is not permitted in our public areas without the full consent of all staff and customers. The above restriction also relates to video cameras or any other recording media'

Noting the use of the word ANY - DWP follows its own policy and the CCTV cameras present for 'staff safety' are in fact None Functional? Bearing in mind clients as previously established by foi requests have the right to record and It is the DWP's responsibility as part of their obligations to comply with the law which is they and not the claimant must protect all claimants personal and sensitive data while processing.

For a member of the general public its entirely different as first its not illegal to have a video or audio diary. Next any recording is about you and the subject, if it included background no one would be allowed to record on places like beaches or parties where people often spill personal and sensitive data.

Please state under what Laws/ Statutes etc the DWP believes that 'policy' restricts the clients rights both to the services you provide and the right to record.

What is the Official policy is if staff refuse to be record and refuse to make an appointment with some one who is willing to recorded.

What is the official DWP policy upon a client stating they wish to make a complaint in person as is their right to a manager? Does this person have the right to request an appointment with said manager if one is not immediately available, yes or no? It is frequently claimed there are no managers present is this common

a) DWP staffing practice ? yes / No ?

b) Official policy ? yes / no

If the client wishes to make a complaint to a manager from another office citing 'Conflict of interest' then what is DWP policy then? As it is a maxim of Law you can either be a Landlord or a Tenant in a case but not both at the same time, Do DWP staff retain their authority as proxies of the Secretary of State if they refuse to be recorded as part of the performance of their role? Please supply supporting evidence to your answer.

**Is it official DWP policy to refuse to give out the local office number is a client expressly asks for it due to problems with the 0845 number?**

DWP does not release the geographical telephone numbers of its offices. This is because it operates a network of call centres that are manned during business hours specifically to deal with public queries. The Information Commissioner has supported this position in a Decision Notice (ref: FS50287131). Section 21 of the FOI Act allows the department to direct you to information that is reasonably accessible to you:

[http://www.ico.org.uk/~media/documents/decisionnotices/2010/fs\\_50287131.ashx](http://www.ico.org.uk/~media/documents/decisionnotices/2010/fs_50287131.ashx)

**Noting the use of the word ANY - DWP follows its own policy and the CCTV cameras present for 'staff safety' are in fact None Functional?**

The Freedom of Information Act provides the requestor with an access right to recorded information. It does not extend to requests for views, comments or questions about a particular matter. Your request can be in the form of a question, but the public authority does not have to answer if this would mean giving an opinion or judgement that is not already recorded.

**Please state under what Laws/ Statutes etc the DWP believes that 'policy' restricts the clients rights both to the services you provide and the right to record.**

The Freedom of Information Act provides the requestor with an access right to recorded information. It does not extend to the provision of legal opinion.

**What is the Official policy is if staff refuse to be record and refuse to make an appointment with some one who is willing to recorded.**

DWP staff are expected to operate within the bounds of the Civil Service code and the department's Standards of Behaviour. There is no specific policy for the hypothetical situation you describe.

**Complaints procedure.**

Customers can request to speak with a manager. If a manager is available, then they would make every effort to deal with the query. However, it may be that the manager is not the most appropriate person to deal with a specific query. It is not common staffing practice or official

policy for managers not to be present. However, there will be times when managers are busy with other customers or other duties which may prevent them from being available at that time.

In terms of escalating a complaint, the DWP has a formal complaints procedure. If a complaint cannot be successfully concluded at the local office then customers can make a complaint to a more senior manager, usually either the Customer Service Operations Manager or the District Manager. Full details of our complaints procedure and standards can be found on our internet site at the follow link:

<https://www.gov.uk/complain-jobcentre-plus>

**Do DWP staff retain their authority as proxies of the Secretary of State if they refuse to be recorded as part of the performance of their role?**

DWP Civil Servants are permitted to decline to be recorded in the performance of their duties. This has no impact on their decision making authority as it is not a requirement of their employment.

The Carltona Principle is the legal principle under which Civil Servants exercise authority on behalf of ministers. This judgement is contained in Carltona Ltd v. Commissioners of Works.

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 happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dwpgsi.gov.uk](mailto:freedom-of-information-request@dwpgsi.gov.uk) or by writing to DWP, Central Fol 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](http://www.ico.gov.uk)