



Department
for Work &
Pensions

DWP Central Freedom of
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J Roberts
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[freedom-of-information-
request@dwp.gov.uk](https://www.whatdotheyknow.com/cy/request/328656/response/829150/attach/3/FOI%201550%20T%20Jennings%20Response.pdf?cookie_passthrough=1)

[DWP Website](https://www.dwp.gov.uk)

Our Ref: FOI2020/66373

27 November 2020

Dear J Roberts,

Thank you for your Freedom of Information (FOI) request received on 30th October. You wrote:

"You have disclosed that discredited Capita assessor Alan Barham "completed 869 Personal Independence Payment Assessments during his employment with Capita":

https://www.whatdotheyknow.com/cy/request/328656/response/829150/attach/3/FOI%201550%20T%20Jennings%20Response.pdf?cookie_passthrough=1

Paragraph 19 of CM v Secretary of State for Work and Pensions[2020] UKUT 259 (AAC) refers to the possibility of a fresh examination for someone who had the misfortune of seeing him:

"19. ...The Secretary of State submitted that, if I remitted, the next First-Tier Tribunal "should weigh the evidence in the normal manner" and that "Mr Barham's report should be weighed as with all the evidence before the tribunal"(paragraph 4, page 168). I said that was not good enough, because the criticisms of Mr Barham meant that his purported observations and purported examination could not be relied upon (page 206). I directed that, unless the Secretary of State was conceding the enhanced rate of both components (rendering further reports unnecessary), she must tell me whether she was going to send the claimant for a fresh examination and if not, why not."

https://assets.publishing.service.gov.uk/media/5f999d28e90e074f55ebcc23/CPIP_400_2017.pdf

1. How many of the 869 PIP assessments resulted in fresh examinations as a consequence of the information obtained about Barham by the "Dispatches" programme?
2. Please provide the start and end dates of the period during which Barham carried out his 869 PIP assessments.
3. If Barham also carried out any other assessments relating to benefit claimants what were they and how many did he carry out?
4. What is the highest number of PIP assessments carried out by a single Capita assessor.

Annex 1 of the decision includes this:

"They'd pay around £80 an assessment for the first 8 assessments, then they paid £160 an assessment for 8-14, then they paid £300 per assessment for 14-21."

5. Can you confirm that these figures and amounts are correct? If not, please provide the correct figures and amounts."

DWP Response

I can confirm that in answer to questions 1, 2 and 4, we hold information falling within the description specified in your request. However, with regard to question 1, we estimate that the cost of meeting your request would exceed the cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This represents the estimated cost of one person spending 3½ working days (equivalent to 24 staff-hours) in determining whether the department holds the information, and locating, retrieving and extracting it.

Therefore, under section 12 of the Freedom of Information (FOI) Act 2000, the department is not obliged to comply with your request and we will not be processing it further. The reason being, in order to identify all of the Personal Independence Payment (PIP) assessments that Mr Barham made, we would have to go through every case conducted by Capita during the period that Mr Barham worked as an assessor. We would then need to track these cases through the PIP computer system, to find out if any of these cases were looked at again. To put this into context, there are over five million decisions made to date on PIP.

Under section 16 of the Act, we should help you narrow your request so that it may fall beneath the cost limit. However, because question 1 is so specific as it relates to a single assessor, the department is unable to determine a way to refine your request so it can be brought under the statutory cost threshold.

You may wish to resubmit question 2. However, you need to be aware that the department would treat this as a request for Mr Barham's personal data and would not be able to disclose this information, in accordance with section 40 of the FOI Act. You might also wish to resubmit question 3.

You may wish to limit the scope to question 4 to ask for the highest number of PIP assessments conducted by a single Capita assessor between November 2018 and November 2020.

For question 5, the FOI Act is for the provision of recorded information held. If you ask a question, rather than requesting recorded information, we will provide you with the recorded information that best answers the question. The FOI Act can capture an 'explanation' if it has already been committed to record. However, where a requestor wants the Department for Work and Pensions (DWP) to explain the difference between x and x, this is not a request for information. We do not have to provide opinions or explanations, generate answers to questions, or create or obtain information we do not hold.

We will consider afresh any revised request, however we cannot guarantee that any revised request will fall within the cost limit.

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

Yours sincerely,

DWP Central FOI team
Department for Work and Pensions

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@dw.gov.uk or by writing to: DWP Central FOI Team, Caxton House, 6-12 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.

Website: [ICO Contact Information](#) or telephone 0303 123 1113 or 01625 545745