

To: Mr R Sykes
C/o request-149151-51da0420@whatdotheyknow.com

17 April 2013

Dear Mr Sykes

Freedom of Information Act – Request for Information

Our Reference: FOI 0632

Thank you for your Freedom of Information request which we received on 9 February 2013, please accept our apologies for the delay in providing you with a response.

You asked: *DWP/Atos Guidance document: use of personal recording equipment by claimants to record WCAs*

I have today had a telephone conversation with a (helpful) person in Atos (Bristol area, 4.35 pm, 01179718460).

I was enquiring about the use of 'personal equipment' by claimants who wish to record their WCAs.

The employee concerned confirmed that there has been a written 'Guidance' document made available to all 130 or so MECs by Atos, after consultation with the DWP, specifically about what personal equipment will be accepted for this purpose; and she was kind enough to read out certain parts of it to me - including a part 'in big bold letters', as she described it.

Please supply a copy of that guidance document in full, and note that any attempt by the DWP to maintain it has no policy as regards what constitutes 'approved equipment' for claimants to use is, and will continue to be, fraudulent.

In reply to your question, we understand that the guidance referred to is contained in a series of internal emails to Atos Healthcare employees from their employer. A copy of the email series is attached for your information, however some of the information contained in the document falls within the exemptions allowed by Section 40 of the Freedom of Information Act and has therefore been redacted. The Section 40 exemption is applied on the basis that it is personal data about a third party, in this case names of DWP and/or Atos Healthcare employees who are below the Senior Civil Service (SCS) Grade, and it is Departmental policy that the names of employees below SCS grades are not released and the disclosure would breach data protection principles.

DWP is, in conjunction with Atos Healthcare, developing guidance on this issue but this is not yet formally agreed. In the absence of agreed formal guidance, Atos Healthcare have had to issue interim information to their staff so that they are able to deal with enquiries for the audio recording of Work Capability Assessments (WCA). Please note that this is purely an internal

document of Atos Healthcare and should not be taken to represent the final guidance which is presently being developed.

The current, agreed policy on recording is reflected is included within the Work Capability Assessment (WCA) Handbook).

It is therefore not possible to provide you with the guidance document at present as this has not yet been finalised. Information relating to the development of the policy and associated guidance falls within Section 35 of the Freedom of Information Act 2000. This exemption relates to the formulation of government policy. It is considered that the exemption applies because it is intended to protect the space within which government can think and develop its policies without prejudice. As required by the Act, I have also considered whether the balance of the public interest comes down in favour of not complying with your request. I consider that there is no overarching public interest argument in favour of releasing this information at this time

The Act acknowledges that good government depends on good decision making and therefore needs space in which to formulate policies based on the best advice available with full consideration of all the options. Ministers also need to be able to conduct rigorous and candid risk assessments of their policies and programmes including considerations of the pros and cons without there being premature disclosure which might close off other, better options.

Yours sincerely

Business Management Team
Health & Disability Assessments (Operations)

dwp.medicalservicescorrespondence@dwp.gsi.gov.uk

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@dwp.gsi.gov.uk or by writing to DWP, Central FoI 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