

DWP Central Freedom of Information Team

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

Our Ref: VTR 783

DATE: 10th December 2012

Dear Mr Newman

Thank you for your e-mail of 19 November requesting a review of the handling of the response to your Freedom of Information request.

I can confirm that I was unconnected with the earlier reply to your initial request under Fol and that I have considered your request afresh.

In your request of 16-18 October you asked for:-

Q1: *What aspects of the 'system' were presenting this barrier? The fact that there was no WCA did not prevent people job hunting if they so wished – the only barriers were enough genuinely supportive employers and work that had been suitably adapted. The existence of equality legislation does NOT in itself guarantee compliance.*

Q2: *What evidence is there to support the phrase "MANY people" (implying the vast majority) rather than say "some people". The report quoted does not make this clear. The report referenced (<http://www.dwp.gov.uk/docs/hwwwb-is-work-good-for-you.pdf>) does in fact conclude that*

"The likely benefits (of work) outweigh any potential risks, it equally points out that this statement is very much "In general, provided due care is taken to make jobs as safe and 'good'. [It explains 'good jobs' as those "with appropriate accommodations and adjustments"]", clearly recognising that "normal" (unadjusted) jobs will not be suitable. It emphasises this key point in also saying: "The provisos are that account must be taken of the social context, the nature and quality of work, and the fact that a minority of people may experience contrary effects. Jobs should be safe and

should also be accommodating for sickness and disability". I would like to see the effort DWP has put into creating these 'special' jobs – putting the horse correctly before the cart as it were.

Q3: *What evidence is there of the additional steps you have taken to ensure jobs are safe and 'good'? Again legislation in itself does not guarantee compliance and DWP would have responsibly established true levels of compliance prior to proceeding with a plan based heavily on this assumption. Note I am looking for independently established, conclusive evidence, NOT just a DWP opinion.*

This report also contains a number of qualifications not mentioned in the VTR3452 response or generally by DWP:

- *There is a disclaimer pointing out that the views in the report are not necessarily shared by DWP, yet you are referencing its findings.*

Q4: *Please clarify; do you accept its findings in full or not? If not, where are DWP's provisos recorded?*

- *The report states "Although the broad conclusions of this review are clear, several important issues need further clarification" and 7 such issues are listed.*

Q5: *For each, what work has been done to progress them in parallel to its other findings and where can the results of this work be examined?*

What information is available to show that DWP has rigorously pursued these issues alongside the qualified conclusions the report draws?

Q6: *Where is the risk analysis recorded that considered the consequences of declaring someone FFW whose health as a result deteriorated, perhaps resulting in early death?*

My review decision

Your request for internal review asked:

Q1:

I have read the report you said answers this request at

<http://www.dwp.gov.uk/docs/a-new-deal-for-welfare-empowering-people-to-work-full-document.pdf>,

but IT DOES NOT.

It too talks about traditional barriers to employment, but NOT what they are/were. To repeat, what aspects of the 'old' system stopped a disabled person who wanted to work from working? If there is no

information to support this assertion, it cannot be true. As you have said, very many disabled people WANT to work – so what EXACTLY was stopping them – please don't just say "the system" without explaining what you mean.

Q2/Q3:

The reference I provided makes the point that to successfully help disabled people back in to work, the work itself will often have to be adapted and that simply dumping them on the job market without this recognition will not work. The author refers to these as "good" jobs. Which of all of the various back-to-work initiatives have SPECIFIC responsibility for adapting jobs in line with the report's conclusion? This is completely different from supporting the individual.

The WCA process can easily declare a person FFW against their own judgement. The report makes the point that "a minority of people may experience contrary effects", i.e. their health will suffer as a result. I am trying to establish here what recognition DWP has made of this risk and what steps it has taken to mitigate it. Due to the potentially dire consequences of an error, if this recognition has been made it will certainly be recorded. If it is not, you only need say so.

Q4:

Just a correction – the disclaimer DOES NOT state that DWP accepts its findings. It says unequivocally that the views expressed ARE NOT necessarily the official view of DWP – rather a case of having it both ways to avoid accountability.

Q6:

Important to note that despite the potentially dire consequences of an error being highlighted in this report, DWP did not consider it necessary to undertake a formal risk assessment.

I have reviewed the information provided in the DWP reply of 13 November 2012 and can confirm that all information held by the Department within the scope of his request has been provided, I therefore uphold the original reply sent to you by DWP.

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

Yours sincerely,

DWP Central Fol Team

Your right to complain under the Freedom of Information Act

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