

To: Mr G Reynolds  
[request-159156-c08724f4@whatdotheyknow.com](mailto:request-159156-c08724f4@whatdotheyknow.com)

13 May 2013

Dear Mr Reynolds,

**Freedom of Information Act – Request for Information**  
**Our Reference: Fol 1960**

Thank you for your Freedom of Information (Fol) request which we received on 25 April 2013.

You asked:

The following extract was taken from a recent case in which a claimant was awarded £2000 plus costs against ATOS.

Atos tried to argue that they were not bound by the Equality Act when delivering WCAs, and so did not need to make reasonable adjustments for disabled people, and also tried to claim that I was not disabled, as defined by the Equality Act 2010.

An expert medical report, ordered by the Court, concluded that there was “no doubt” that the impact on my condition [as a result] of the events of 9 August 2011 were “significant”, and that “certainly several steps could have been taken to avoid the exacerbation of symptoms”.

At the WCA I was award 0 points and assessed as fit for work, [the] DWP rubber stamped that advice. It went to appeal where I was placed in support group after a 5 minute hearing – after waiting months on reduced benefit.

I would like to ask a couple of questions about what is written above;

1/ ARE ATOS BOUND BY THE TERMS OF THE EQUALITY ACT 2010 WHEN DELIVERING A WCA?

2/ WHY WOULD THEY CLAIM THEY WERE NOT?

3/ WHAT ADVANTAGE WOULD THEY GAIN IF THEY WERE OUTSIDE THE ACT?

4/ WHAT REASONABLE ADJUSTMENTS SHOULD ATOS HAVE MADE TO DISABLED CLAIMANTS?

5/ WHAT STEPS SHOULD HAVE BEEN TAKEN TO AVOID EXACERBATION OF THE SYMPTOMS?

6/ WHY WOULD A JUDGE REQUEST AN EXPERT MEDICAL REPORT?

7/ WHY WAS THE CLAIMANT AWARDED ZERO POINTS?

8/ COULD THE CLAIMANT BE REASSESSED FOR THE EXTRA PAIN HE IS NOW SUFFERING FROM A BOTCHED / BIASED EXAMINATION?

The FoI Act 2000 is about the provision of recorded information held by the Department and this does not include either confirming opinions held by correspondents or entering into a debate. I respond below to the freedom of information requests contained in your email. The remainder of your questions are not answerable under the FoI Act.

In response to your questions 1 and 4, the Equality Act requires service providers, such as Atos, to make reasonable adjustments to take account of an individual's disability when providing that service. Under the terms of their contract with DWP, Atos are required to ensure they remain compliant with Equality Laws and the Disability Discrimination Act 1995.

Race, Disability and Gender Equality Scheme information can be accessed at the following link:

<http://www.dwp.gov.uk/about-dwp/diversity-and-equality/dwp-equality-information/>

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

Yours sincerely

Business Management Team  
Health & Disability Assessments (Operations)  
[dwp.medicalservicescorrespondence@dwp.gsi.gov.uk](mailto:dwp.medicalservicescorrespondence@dwp.gsi.gov.uk)

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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@dwp.gsi.gov.uk](mailto: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](http://www.ico.gov.uk)