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DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: FOI 479, 495, 522, 553, 586, 599 & 653

01 March 2018

Dear Mr Slater,

Thank you for your Freedom of Information requests which I have detailed below.

FOI 479 received on 04/02/18:

'The PIP Service Specification FINAL v2.0 section of the 3 PIP Contracts with Capita and Atos (2 contracts) includes the following section:

"PART M - ONGOING CONTRACT AND PERFORMANCE MANAGEMENT 47. CONTRACT MANAGEMENT ARRANGEMENTS 47.1. Key Personnel 47.1.1. Prior to contract live running, the Contractor will provide the Authority with details of key personnel, as a minimum, this will include:

- Senior Medical Manager/Director;*
- Account Manager/Director;*
- Operational Manager/Director*
- Security Manager;*
- Finance Manager/Director.*

47.2. Engagement

47.2.1. Monthly meetings will be held between the representatives of the Authority and the Contractor. The Contractor will ensure that a suitably empowered representative attends these meetings. Such activity will be at no cost to the Authority.

47.2.2. The Contractor will attend strategic meetings to review the overall success of the Contract Lot at the frequency to be determined to discuss:

- operational strategies;*
- efficiency opportunities.*

47.2.3. The Contractor will attend a monthly contract management meeting to manage this contract and discussions will include but not be limited to:

- agreeing contractual change;*
- reviewing contractual performance;*
- resolving operational and contractual problems;*
- transferring and exchanging information.*

47.2.4. The Contractor will attend a monthly regional meeting to review regional performance."

It is normal professional practice that meeting minutes (they may be called something else by the Department) be created for the type of meetings outlined above. It would also be normal that any change requests be documented.

RFI1 – Please disclose the meeting minutes for the meetings specified in 47.1.1, 47.2.2, 47.2.3 and 47.2.4 in respect of the 3 PIP contracts with Capita and Atos (2 contracts) that took place in 2016. Any disclosure would be subject to redaction required to satisfy S.40 FOIA.

RFI2 – Please disclose the change requests in respect of the 3 PIP contracts with Capita and Atos (2 contracts) that were created by any of the 3 parties in 2016. Any disclosure would be subject to redaction required to satisfy S.40 FOIA.

Annex 8 to the the PIP Service Specification FINAL v2.0 specifies the management information that Capita and Atos are contractually required to provide to the DWP on a monthly basis.

RFI3 – Have any changes been agreed with Capita or Atos that amend the contractual requirements set out in Annex 8 to the the PIP Service Specification FINAL v2.0? If so please disclose the agreed changes.'

FOI 495 received on 06/02/18

'Before proceeding with an appeal to Tribunal, claimants of ESA and PIP must first request a mandatory reconsideration ("MR"). The Department will hold raw data and datasets related to MR.

RFI1 – What type of data does the DWP currently hold about MR in respect of ESA and PIP? Please note I am not asking for the actual data. Please specify which IT systems the data is held on and if data is only held as part of the claimant's record.

RFI2 – What are the most current datasets held by the DWP about MR in respect of ESA & PIP. To clarify by "dataset" I mean a collection of data resulting from querying/extracting data from IT systems and/or analysis by a human being. As with RFI1 I am not requesting the actual data.

RFI3 – How frequently does the DWP extract data about MR from its IT systems for the purposes of managing and controlling the MR process?

RFI4 – What query/extraction capabilities does the DWP have in respect of the IT systems that hold MR data? What is the process for interrogating IT systems that hold MR data?'

FOI 522 received 08/02/18

'The PIP contracts between the Secretary of State for Work and Pensions and Atos IT Services UK Ltd (2 lots) ("Atos"), and Capita Business Services Ltd ("Capita") specify that the both parties must supply the Department with regular management information ("MI"). The periodicity for the "MI" varies, e.g. in some cases it is monthly while in others it appear to be once per year.

The requirement for the MI is prescribed in the Service Specification FINAL v2.0 and associated annexes (11 in total). For the avoidance of doubt the term MI in this request refers to all management information described in the document Service Specification FINAL v2.0 and its

associated annexes. This is to include information regardless of periodicity (i.e. it is not limited to that provided monthly). It is also to include any additions that logically fall within management information agreed between the Department and Capita and Atos.

RFI1 - Please disclose the MI provided to the Department by Capita (Lot 2) and Atos (Lots 1 and 3) that covers the period January 2017 to December 2017. Please note that if any disclosure does not mirror the contractual requirements in Service Specification FINAL v2.0 and its 11 annexes I expect the Department to cite the relevant exemption or explain why this information is not held (e.g. changes to contract have been agreed).

This request is made on the assumption that the Department will carry out relevant redaction of personal information exempt under the FOIA (Section 40 (2)).'

FOI 553 received 09/02/18

'According to the WCA handbook:

"All initial and re-referral claims are subject to a "Filework" process to determine whether a face-to-face assessment is required. This process aims to identify claimants where a recommendation can be made without the need for a face-to-face assessment."

"It should be noted that a claimant who has previously been assessed and considered to fulfil LCWRA criteria or 'Treat as LCW' or 'Treat as having LCWRA' category, either at face-to-face assessment or Filework, will have a pre-board check at re-referral rather than re-referral scrutiny."

As the decision to call a person into to attend a WCA involves considerable discretion by the HCP it is reasonable to assume that a record of the decision is made containing appropriate professional justification.

RFI1 - Please disclose the type of information that is created/recorded by the healthcare professional who decides if a person is called to attend a WCA, or not, where this information is stored (i.e. which DWP IT System and against which record, e.g. claimant) and if a specific form is used (i.e. one with a specific code like the LT54) to record the decision.'

FOI 586 received 12/02/18

'In respect of the contract between the Secretary of State for Work and Pensions and CHDA Ltd (Agreement Relating To Health And Disability Assessment Services) the following sections have been extracted from the published contract documents:

"HDAS - Schedule 2.2 (Performance Levels)

1 PERFORMANCE INDICATORS

1.1 Annex 1 to this Schedule 2.2 sets out the Service Levels and Subsidiary Service Levels which the Parties have agreed shall be used to measure the performance of the Services by the Supplier.

1.2 The Supplier shall monitor its performance against each Service Level and shall send the Authority a report detailing the level of service actually achieved in accordance with Part B to this Schedule 2.2.

1.3 Service Points and Service Credits shall accrue for Service Level Failures, as applicable, and shall be calculated in accordance with this Schedule 2.2.

PART B

Performance Monitoring

In this Part B of this Schedule 2.2, the following definitions shall apply:

“Performance Monitoring Report” has the meaning given in Paragraph 1.1(a) of Part B of this Schedule 2.2; “Performance Review Meeting” the regular meetings between the Supplier and the Authority to manage and review the Supplier's performance under this Agreement, as further described in Paragraph 1.5 of Part B of this Schedule 2.2;

PERFORMANCE MONITORING AND PERFORMANCE REVIEW

1.1 Within five (5) Working Days of the end of each Service Period, the Supplier shall provide:
(a) a report to the Authority Representative which summarises the performance by the Supplier against each of the Target Service Levels as more particularly described in Paragraph 1.2 (the “Performance Monitoring Report”); and

(b) a report to the Authority’s senior responsible officer which summarises the Supplier’s performance over the relevant Service Period as more particularly described in Paragraph 1.3 (the “Balanced Scorecard Report”).”

RFI1 – Please disclose the performance monitoring report (as defined in Part B section 1.1 (a) Performance Monitoring and Performance Review HDAS - Schedule 2.2 (Performance Levels) of the contract) supplied to the Department by CHDA Ltd each month for the period January to December 2016 and January to December 2017.

RFI2 - Please disclose the “Balanced Scorecard” report (as defined in Part B section 1.1 (b) Performance Monitoring and Performance Review HDAS - Schedule 2.2 (Performance Levels) of the contract) supplied to the Department by CHDA Ltd each month for the period January to December 2016 and January to December 2017.’

FOI 599 received 13/02/18

‘As part of the ESA WCA Process CHDA Ltd can request further medical evidence from the person’s GP via the ESA113 form.

RFI1 – Please disclose if the GP is paid a fee by CHDA/DWP for completing ESA113 forms.

RFI2 – If a fee is payable please disclose the amount paid.

RFI3 – Are GPs obliged by law or contract to provide completed ESA113 forms? If so please disclose where the obligation derives from (i.e. which contract or piece of legislation).

RFI4 – Does the DWP or CHDA monitor the quality of evidence provided by GPs via the ESA113? For example GPs that fail to return the forms or those that do not provide complete evidence (missing out relevant medication, conditions etc). If so what monitoring is carried out and how is it documented?’

FOI 653 received 18/02/18

'I write in respect of the "Agreement Relating To Health And Disability Assessment Services" between the Secretary of State for Work and Pensions and CHDA Ltd. In the contract document HDAS - Schedule 2.1 (Service Requirements) it states:

"41. ASSESSMENT ASSURANCE

41.1. The Authority will separately contract for the provision of Assessment Assurance (AA) for assessment quality. The AA provider will be responsible for:

- Monthly audit of a statistically valid sample of reports submitted to the Authority and grading these using the same criteria as used by the Supplier, see paragraph 40.4. This will:*
 - o determine Supplier performance against the agreed Contractual standards;*
 - o be used to determine / calculate Service Credits*
 - o provide feedback to the Authority and the Supplier.*
- Audit of additional cases as necessary, e.g. to look at trends, examine certain sites in more detail, investigate specific concerns, etc, reporting findings to the Authority and the Supplier;*
- Audit of a proportion of new entrant HCP portfolios each quarter to ensure that the correct recruitment, training, approval and audit processes have been followed. The findings will be reported to the Authority and the Supplier;*
- Audit of a proportion of all HCP portfolios each quarter to ensure that CPD, audit processes, etc have been followed. The findings will be reported to the Authority and the Supplier;*
- Audit of a sample of the audits completed by each of the Supplier's auditors, providing feedback to the Supplier. This check will be reported to the Authority on an annual basis and will decide whether an auditor is re-accredited to carry out audit.*

41.2. The Authority will be responsible for ensuring that the AA provider meets the required standards, for the documentation of processes / procedures and reporting outcomes.

41.3. The Supplier must make available resources from its quality auditors to support the activity carried out by the AA provider. The Supplier will have the opportunity to discuss any findings prior to the results being reported to the Authority, but the responsibility for determining these results rests with the AA provider."

In its response FOI 2559 of 30 January 2018 the Department stated:

"In response to RFI1, the Department set up an internal Independent Assessment Assurance team. As such no contract documents exist and our response to this point remains unchanged. "

RFI1 – Please disclose all the reports arising out of the regular audits carried out by the internal assessment assurance team (including the raw data upon which the reports are based) for the 2016 and 2017.

Under Section 40 Supplier Quality Audit it states:

"40.1 The Supplier must put in place a regime for auditing the quality of reports as follows:"

It then goes on to specify the contractual requirements for auditing the reports.

Section 40.5 states:

“Subject to Clause 12 and any other express terms and conditions of the Agreement relating to retention of records and data, the Supplier must retain the audit records for a minimum of two years. “

RFI2 – Please disclose the “audit records” reference above in Section 40.5 for 2016 and 2017.

This request is made on the assumption that the Department will carry out relevant redaction of personal information exempt under the FOIA (Section 40 (2)).’

DWP Response

The Freedom of Information (FOI) Act provides that requests can be aggregated for the purpose of estimating whether the cost limits apply. This is where more than one request has been made within 60 consecutive working days relating to the same or similar information and the requests have been made by the same person. This includes adding to the estimated costs of complying with a later request, the cost of complying with a request that has already been answered.

In this instance the Department has decided to aggregate the above requests for cost purposes.

I can confirm that we hold information falling within the description specified in your request. However, we estimate that the cost of complying with your request would exceed the appropriate limit for central Government, set by regulations at £600. This represents the estimated cost of one person spending 3½ working days in determining whether the Department holds the information, and locating, retrieving and extracting it.

We consider each of the seven requests to be of a similar nature as they all relate to either decision making or performance delivery of disability assessments on behalf of the Department for Work and Pensions. In particular, all of the requests would be allocated to the same team for response as it falls within their specialised area.

Under Section 12 of the FOI Act the Department is not therefore obliged to comply with your request and we will not be processing it further.

Under Section 16 of the Act we should help you narrow your request so that it may fall beneath the cost limit.

The majority of the requests would individually take a considerable amount of time to locate, retrieve and extract the requested information and for this reason you should decide which information is particularly of importance to you bearing in mind that FOI 653 would singularly exceed the cost limit due to the fact that you have requested all audit reports for 2016 and 2017. During this period there were a significant volume of reports and to extract each one would take a disproportionate amount of time.

If you have any queries about this letter please contact us 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 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. Please remember to quote the reference number above in any future communications.

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.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745