

To Mr J Newman
C/o request-101538-fb6d1b35@whatdotheyknow.com

DWP Central Freedom of Information Team

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

Our Ref: VTR3702-3305

DATE 24 September 2012

Dear Mr Newman,

Thank you for your Freedom of Information request that was received by the Department for Work and Pensions (DWP) Freedom Of Information Requests on 26 August 2012 and forwarded on 28 August for response by DWP Medical Services Contracts Correspondence Team (MSCCT) Freedom of Information Officer (Fol).

In your email you asked to be provided with information answering the following questions:-

I am of course at somewhat of a disadvantage as the person who has composed this latest response (24/08) is able to personalise their vilification of me from the shelter of their anonymity. I cannot describe the tone of it more eloquently and accurately than the annotations here have already. I will expose and respond to the broader issues it raises elsewhere and confine my comments here to Fol and the response itself, particularly as it is both logically and factually incorrect. I would use another vehicle if I knew what it is.

- 1. My note dated Aug 9th was patently NOT a question or an IR request, so I am a wee bit miffed at being accused of raising one inappropriately. I am fully aware of the limitations of Follegislation and the ideology behind the WDTK site. I know they donot like it to be used for debate, but I do feel entitled to respond to the latest DWP posting.*
- 2. Unfortunately, some sections of the public sector have become so steeped in duplicity that they have lost all ability to distinguish fact from fiction. I will not comment here on why this is the inevitable result of a certain style of management.*
- 3. The Fol legislation offers one of the few opportunities to attempt to clarify this destinction. Yes, it focuses on recorded information, but it is safe to assume within an organisation the size of DWP that anything NOT recorded is of no consequence and can be regarded as little more than hearsay or speculation – if it was material, it would most certainly be recorded somewhere.*
- 4. I doubt the author here has experienced a WCA whereas I have three times over, all wrong! I am therefore somewhat better placed to segregate the theory from the practice. I would happily have the debate face to face if there was such an opportunity as I am very sure of my ground and armed with indisputable evidence (unlike DWP) to support any assertion I make.*
- 5. The request here sought to define the truth behind a ministerial statement by offering DWP the opportunity to provide some supporting evidence, notably through their intentions behind what is undoubtedly the greatest manifestation of the support they*

could offer if indeed they are serious about the intention. As they are unable to do this there is only one conclusion that can be drawn – it is NOT an opinion, it is a logically deduced interpretation of the facts as presented by DWP. If there is an alternative interpretation they could have provided it and corrected my misunderstanding, but have chosen not to – clearly there is no tone. (Although this too will be labelled as an opinion no doubt).

The evidence-based methodology is the one that DWP itself favours and they are therefore governed by its rules in the interests of avoiding accusations of hypocrisy.

6. The statement over the proportion of GPs involved IS COMPLETELY FALSE. From its own statistics only around 25% of Atos FTE HCPs are registered with the GMC – the rest are nurses and physios. Also the proportion of WCAs performed by GP's has been reducing, so clearly the overall expertise being applied is progressively diminishing.
7. The knowledge, expertise and rigour applied to maintain both are grossly overstated. DWP cannot even GUARANTEE that all HCPs have kept their registrations up to date and are therefore appropriately qualified at the time they undertake a WCA. It is absurd to state that a physiotherapist (with all due respect to all of them) has "vast experience" with mental disability. The last HCP I encountered whilst a registered nurse was attempting to make a living from a door to door Botox/collagen service and performing WCAs as an income top-up. This not in line with the picture painted here.
8. The reply claims objectivity, but cannot describe against what standard – after 4 years there is still no definition of "work" nor is there any evidence to support some of the descriptor changes that have been applied, which are of course driven by political dogma which by definition is partisan. There are also no performance measures in place so any suggestion of improvement is pure speculation – even by 'Lord' Harrington himself.
9. The picture it paints is one of a DWP DM sitting with a wealth of information about a claimant all of which is medically orientated, some of which could be highly technical and complex faced with making a decision when that individual has no medical training – how more perverse can one be?
10. I have no political affiliations whatsoever. I would just like to see the DWP "doing what is says on the tin". I would remind DWP that they have judged my ability to work wrongly not just once, but on three consecutive occasions. They assure me that I have not been victimised, so I should presumably regard my experience as par for the course. I am already gravely worried about the chances of the next one being right first time, I think with due cause. Perhaps DWP would like to promise me that this will not be the case – surely not too much to ask?
11. They publicly accept they will make mistakes (by inference occasionally rather than my experience of 100%) and promise to explain why they did and how they will learn for the future. I have had no such explanation and my experience indicates nobody learnt anything. They did not even have the wit to demonstrably try harder third time round and assigned the least qualified, least interested HCP of the three.
12. I would like to avoid a repeat of the trauma on my next WCA, so I am simply looking for clear signs that next time, DWP will in fact get it right first time. So when someone says something has improved, it is hardly surprisingly that I want to see some evidence as without it the claims are just so much hot air.
13. My evidence is my own indisputable experience, so DWP, how can you match that??? Are you suggesting I'm making it all up? Just check your records.

14. Finally I quite like the thought that DWP feels it has no obligation to reply to a (rhetorical) question that by definition, does not require an answer. That at least does make some sort of sense

In reply to paragraph 6 the Welfare Reform Act makes provision for medical assessments in connection with benefit entitlement to be carried out by a range of HCPs specified in the legislation. This move has been taken because nurses and other HCPs are increasingly being used in roles which were once reserved to doctors; and it is appropriate to extend this to benefit entitlement assessments

Only Doctors are required to register with the General Medical Council. Nurses are required to register with the Nursing and Midwifery Council, Physiotherapists with the Health Professions Council.

The other views and statements expressed in your letter are a matter of opinion and do not constitute a request for information to be provided under the Freedom of Information Act.

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 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 Fol Team, Caxton House, Tothill Street, 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